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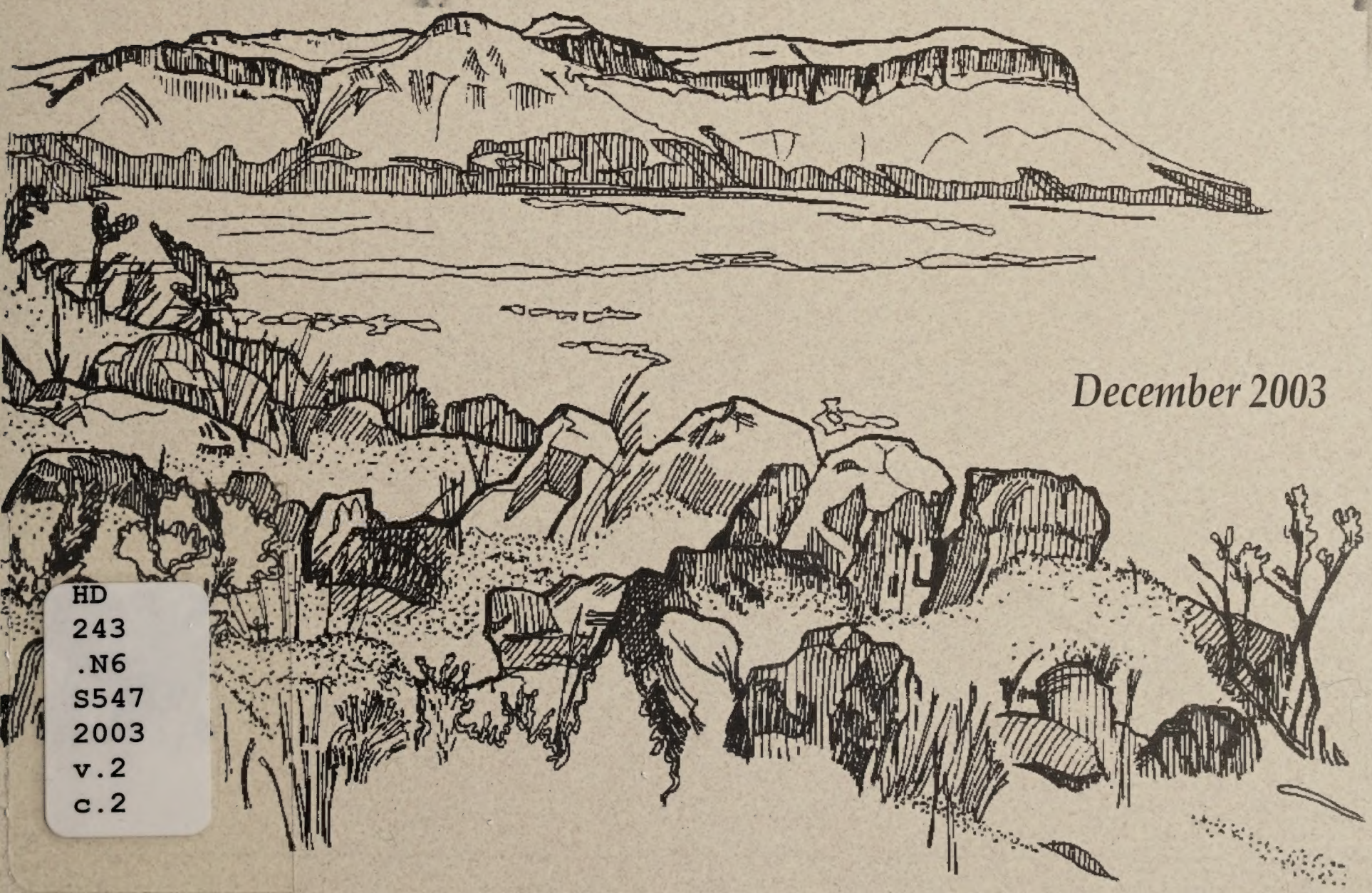
Proposed Resource Management Plan Amendment and Final Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties

Volume II

United States Department of the Interior
Bureau of Land Management

LAS CRUCES FIELD OFFICE



December 2003

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BUREAU OF LAND MANAGEMENT

The Bureau of Land Management is responsible for the balanced management of the public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of multiple use and sustained yield, a combination of uses that take into account the long-term needs of future generations for renewable and nonrenewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness and natural, scenic, scientific, and cultural values.

BLM/NM/PL-FES 03-53

#53985725 ID 88067629 HD 243 .N6 S547 2003 v.2 c.2

APPENDIX G
PUBLIC COMMENTS AND AGENCY RESPONSES

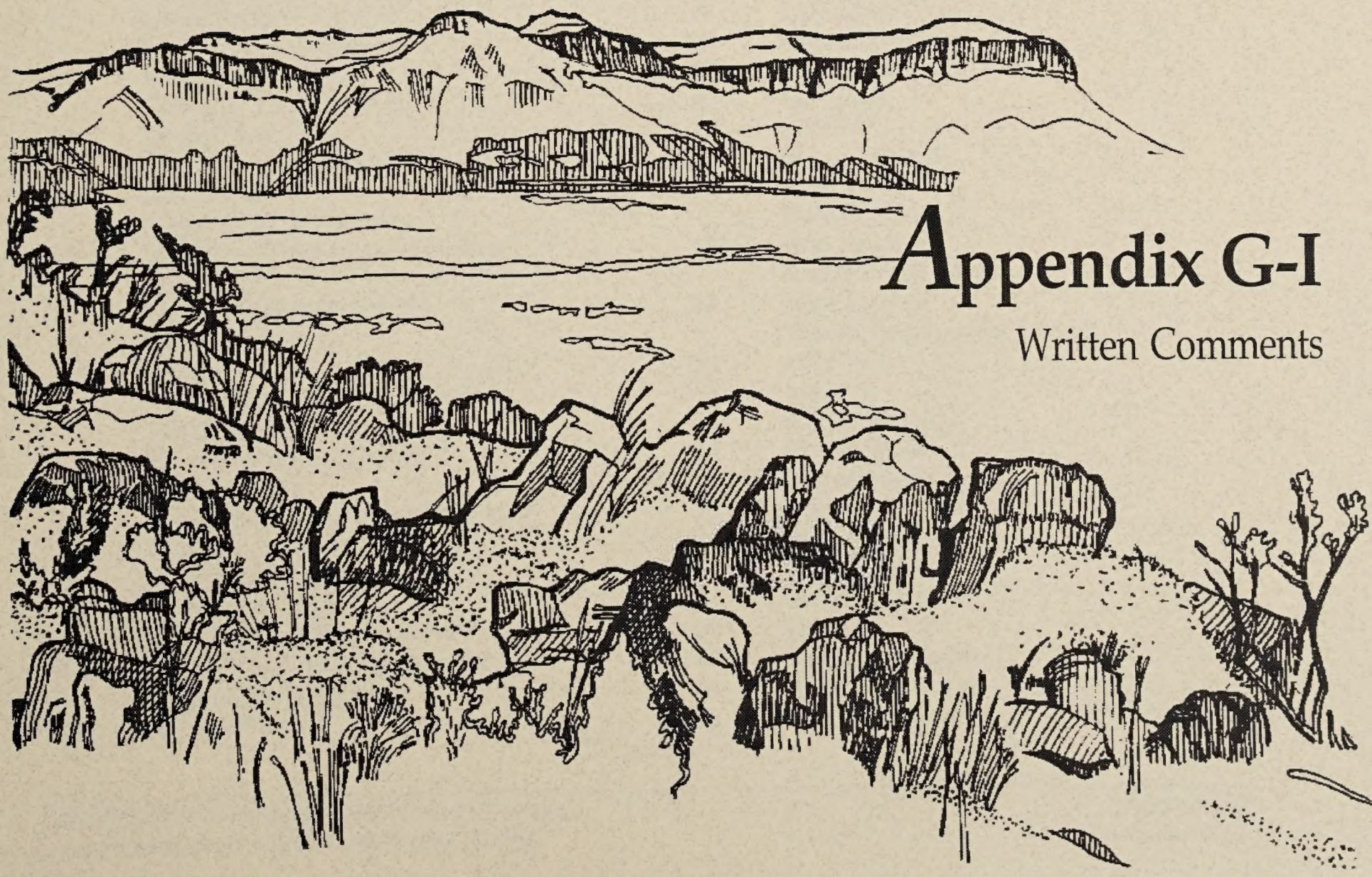
INTRODUCTION

A total of 236 people or organizations submitted written comments and 50 people presented oral comments at hearings during the formal comment period (refer to Chapter 5 – Consultation and Coordination). Responses have been made to all substantive comments. Substantive comments were considered to be those that addressed either the adequacy of the Draft RMPA/EIS or the merits of the alternatives or both. The written and oral comments have been reproduced in their entirety and responses are presented adjacent to the comments on the right side of the page.

This appendix is split into Appendix G-I, which contains the written comments and Appendix G-II, which contains oral comments received at the public hearings. Appendix G-I begins with a list of the entities that submitted written comments (Table G-1). Each submittal was assigned a unique sequential number representing the order in which the comments were received.

Appendix G-II begins with a list of the individuals who provided oral comments at the public hearings (Table G-2). Each hearing speaker was assigned a number representing the order in which the individuals were heard.

As mentioned in Chapter 5, the Las Cruces Field Office an additional 364 letters and postcards, and 3,200 electronic mail messages regarding the RMPA/EIS and future publication of the PRMPA/FEIS were received after the formal public comment period. These are addressed in Chapter 5, Section 5.5.2 of this document.



Appendix G-I

Written Comments

TABLE G-1
WRITTEN COMMENTS RECEIVED
(*Asterisks indicate comments that do not require a response.)

No.	Name/Organization
1	Harold Reynolds Forest Service Retiree Sierra Club Member
2	Steve Yates Harvey E. Yates Company
3	Steve Yates Harvey E. Yates Company
4	Steve Yates Harvey E. Yates Company
5	Steven Yates Harvey E. Yates Company
6	Steven Yates Harvey E. Yates Company
7	Steve Yates Harvey E. Yates Company
8	Steve Yates Harvey E. Yates Company
9	Steven Yates Harvey E. Yates Company
10	Steven Yates Harvey E. Yates Company
11	Steven Yates Harvey E. Yates Company
12	Steven Yates Harvey E. Yates Company
13	Steven Yates Harvey E. Yates Company
14	Steven Yates Harvey E. Yates Company
15	Steven Yates Harvey E. Yates Company
16	Steven Yates Harvey E. Yates Company
17	Ben Dillon, Independent Petroleum Association
18	Thomas Wooten, T & E, Inc.
19	Elizabeth Shelford
20*	Thomas A. Ladd Environment and Safety Directorate Department of the Army White Sands Missile Range
21	Roger Peterson New Mexico Natural History Institute
22	Richard L. Jones
23	Robert Meyer, Lawyer
24	Joy Nicholopoulos USDI Fish and Wildlife Service
25	Margo Wilson, Southern New Mexico Group of the Sierra Club
26	Richard Padilla
27	Mark Bremer, P.E.
28	name not legible
29	Martha Coody
30	Lanette Irby Wildlife Biologist
31	Stanley Evans
32	Ronald Broadhead, New Mexico Bureau of Mines and Minerals
33*	Michael Shyne Westsource Corporation
34	Michael Shyne Westsource Corporation
35	Michael Shyne Westsource Corporation
36	Michael Shyne Westsource Corporation
37*	Stephen V (name not legible)
38	Marianne Thaeler
39	Aubrey Dunn, Jr. First Federal Bank
40	Randy and Anna Gray
41	Corrie Agnew
42	Mark Cattanach
43	Michael Jansky U.S. Environmental Protection Agency
44	M. Holzwarth
45	Lloyd Barr
46	Galeria de Arte
47*	Alice Peden
48	Jan Wright
49*	L. Olson
50	Robert Tafanelli
51	Brian Wood Permits West
52	Joani Berde Carson Forest Watch
53	Len Carpenter Wildlife Management Institute
54*	Mike Goss
55*	Joe Jolly
56	Ed Nesselroad
57	Patricia Danser
58	Bob and Sandy Jones
59	Elizabeth Bardwell and Jon Holtzman
60	Mary Silverwood
61	Stanley Euston
62*	Jack Kutz
63	Stacey Van Laanen
64	Bob Langsenkamp
65	Mansur Johnson

No.	Name/Organization
66*	Jonathan Davis, PhD
	Horticulture/Forestry
67	Candace Chaite
68	Lisa Fuselier
69	C. Wesley Leonard
70	Kenneth Anderson
71	Joan Dobson
72	Helene Beauchamp
73	Eric Pierce
74	Laurie Friedman
75	Sylvia Waggoner
	Environmental Management Division,
	International Boundary and Water
	Commission, U.S. and Mexico
76*	Mary Franklin
77*	Inga Thompson
78	Steve West
79	Martin Heinrich
80	Gary Simpson
81	Greta Balderrama
82	Rick Fenel
83	Jim Wilson
84	Herman Groninger
85	Judith Phillips
	Bernardo Beach Native Plant Farm
86	M.V. Pregenzer
87	James Vernon Lewis
88	Rev. Larry Bernard OFM
	Franciscan Office of Justice
	Peace and Integrity of Creation
89	Hildegard Adams
90	Jim O'Donnell
91	Jim Bowers
92	Scott Clifford
93	Budd Berkman
94	Paul Luehrman
95	Robert Mossman
96	Sonia Meyer
	The Nature Conservancy of New Mexico
97	Janet Blanchard
98	John Mangimelli
99	Carolyn Keskulla and
	Arnold Keskulla
100	Greg Magee
101	Kerry Miyoshi
102	Thomas Wooten
	T & E, Inc.
103	Raymond Meyer
104	Larry Bell
	Department of Fish & Game
105	Emily Giaeser
106	Rich Besser
107	Sam Hitt
	Forest Guardians
108	David Henderson
	Audubon-New Mexico
109	Jane Schafer
110*	Stan Renfro
111	Edward Sullivan
	New Mexico Wilderness Alliance
112	Diane Plummer
113	Pete Maggiore
	New Mexico Environment Department
114*	Breck Duncan
115*	name not legible
116*	Eva Thaddeus
117	Gail Ryba
118	Eileen Sandalwood
119	Larry Schulse
	Otero County Economic Development
	Council, Inc.
120	Nancy Krenigberg
121	Jan Jeter
	Alamogordo Chamber of Commerce
122*	V.W. Howard, Jr., PhD, CWB
	Dona Ana Associated Sportsmen
123	Eileen Danni Dey, Burlington Resources
124	Arthur Pyron
	Pyron Consulting
125	Stephen Capra
126	Richard and Kim Lessentine
127	Herbert Britt
128*	Bill Burt, Chairman
	Alamogordo Chamber of Commerce
129	David Parsons, Wildlife Biologist
130	Tony Krakauskas
	Sun Valley Energy Corporation
131	Jim Walters
132	John Wilson
	Archaeological and Historical Research
133*	Bruce Henion
134*	Carol Price
	Western Voice
135	Holly Harris-Schott
136	Edmund Schott
137	Don Lee
138	David van Hulsteyn
	Claire Clay
	Kathy Clarke
	People for Native Ecosystems
139	Renee West
140	Noah Mason
	Defenders of Wildlife
141	Claire Moseley, Public Land Advocacy
142	Dan Girand, Independent Petroleum
	Association of New Mexico
143	Mathew Clark
	New Mexico Link Coordinator
144*	Pamela Pride Eaton

	The Wilderness Society
145*	Walter and Laurina Matsuka

No.	Name/Organization
146	Jess Alford
147*	Judith Sugg and A. Narayan
148	Kevin Bixby
	Southwest Environmental Center
149	Terry Adamson, BP America, Inc.
150	Adam Polley
	Sierra County
151	Travis Stills
	Oil & Gas Accountability Project
152	M.B. McAfee, PhD
	Great Old Broads for Wilderness

Postcards

1-84 Multiple copies of same comments

1. L. D. Lutz
2. Todd Miller
3. Larry D. Miller
4. Jim Scarantino
5. Carmen Aguilar
6. Michelle Beswick
7. Martin Zehr
8. Nathan Newcomer
9. Brian Montoya
10. Matt Saavedra
11. Jaimal Proctor
12. Chris Malano
13. Allison MacLeod
14. Cambria Happ
15. Sara Chudnoff
16. Tom Leitner
17. Lakshman Garin
18. Lincoln Bramwell
19. Pam Johnson
20. Mathew G. Lucero
21. H. Marchoud
22. A. Lucero
23. Hannah Ziegellzads
24. Eli Kertz
25. Andrew Talcott
26. Dolores Martin
27. H. Jueng
28. Tim McGivern
29. Dion Qualo
30. Amanda Veile
31. Ryan Tanner
32. Jesse Martinez
33. G. Roybal
34. Claire Prestak
35. Judson Sechrist
36. M. K. Coyle
37. Aaron Links
38. Matt Nelson
39. Carilyn Rome
40. Drew Schaler
41. Devlin Jackson
42. Jane Nguyen
43. Signature illegible
44. Scott Gunn
45. Arleen Montoya-Anaya
46. name not legible
47. Joanne Simmonds
48. Brian Fineberg
49. Ingrid Baer
50. name not legible
51. Beverly Benham
52. Kate Enright
53. Andy Solomon
54. Miles Lessen
55. Janna Marcilla
56. Chris Crespin
57. F. Kamali
58. Joe Little
59. Pallab Mozumder
60. Lois Kennedy
61. Dani Arredondo
62. Tyler Aspin
63. Signature illegible
64. Dan and Tanya Crilly
65. A. Kerwin
66. Jennifer Schultz
67. Sean Saville
68. Everett Smith
69. Alison Gween
70. Kevin Gutierrez
71. Beth Dillingham
72. Ruth Solomon
73. Susan Wolterstorff
74. David Patterson
75. Andres Jandacek
76. Kathleen Lemcke
77. Susan Drucker
78. Hanh Nguyen
79. Susan Pacey Field
80. Dave Wheelock
81. Martin Isaac Gonzalez
82. Deborah McMillian
83. Debbie Lindner
84. Rebecca Keeshen

McHarold Reynolds
1817 College Ave.
Alamogordo NM 88310

Mr Phillips: 18 Nov 2000

Many thanks for the copy of your Compendrum about Proposed Fluid Minerals Management in Sierra and Otero Counties.

A There Must exist a Clear and Present Public Need for any and all Extractive Activities on Our Public Lands before such activities are permitted.

If there No Public Need, there activities must NOT be permitted!

Extractive Activities Must Not be permitted on Our Public Lands merely for Corporate Profit!

B If and when Extractive Activities are Permitted, Our Vegetation, Soils, Waters, Wildlife and Human Enviroment Must be Protected from Damage!

C Public Management Agencies are NOT required to permit Extractive

A As stated in the Draft RMPA/EIS, Chapter 1, Section 1.1, fluid mineral leases provide the opportunity to explore for and produce domestic sources of fluid minerals to meet the national demand for energy and to reduce dependence on foreign sources. Federal lands are made available for fluid minerals leasing through the Minerals Leasing Act of 1920, as amended, and the Geothermal Steam Act of 1970. All public land is open to leasing unless a specific order has been issued to withdraw an area from leasing. The Minerals Leasing Act provides the Secretary of the Interior with authority to issue leases on lands where the mineral rights are held by the Federal government. This authority has been delegated to the BLM State Directors.

B Disturbance from extractive activities is inevitable. However, reduction of the effects from disturbance is accomplished by (1) avoiding a certain action or parts of an action, (2) employing certain construction measures to limit the degree of the impact, (3) restoring an area to preconstruction conditions, (4) preserving or maintaining an area throughout the life of a project, or (5) replacing or providing substitute resources to the environment. Appendix B - Surface Use and Best Management Practices, describes the various types of practices that are designed to minimize surface disturbance and effects on resources. The practices represent effective and practical means of accomplishing land and resource management goals and objectives, and are used as a guide when preparing plans and details that are specific to individual projects.

C See response to Comment A above.

(2)

C (cont.) Activities merely becaus someone requests permission to pursue them!

Therefore, I am in favor of whatever Alternative Management Strategy that will best Protect Our Lands and Environment from Damage!

Sincerely yours,
Harold C. Reynolds, BSF
Forester Emeritus
FS Retiree
Sierra Club Member

"Steve Yates"
<syates@heyco.org>
11/27/00 10:25 AM
Please respond to
syates

To: <tom_phillips@blm.gov>
cc:
Subject: Comment on Draft Resource Management Plan Amendment for Sierra & Otero Counties

Dear Mr. Phillips,

A Having read the above referenced plan cover to cover I am concerned about a reoccurring theme regarding adoption of Alternative A. Quoting from page S-2 of the RMPA: "The objective of Alternative A is to modify the existing management direction to respond to legislative or regulatory requirements and/or management objectives that otherwise would be achieved on a case-by-case basis under the No-action Alternative (Existing Management)". This same language is used in Chapter 1 page 7, Chapter 2 page 25 and 29, Chapter 4 page 82. My understanding of this wording is that most, if not all, of the stipulations placed on new fluid mineral leasing and activity contemplated by Alternative A, would be implemented on new fluid mineral leasing and activity under the "No-Action" alternative. Therefore, the No-Action alternative, thus presented, is not a real alternative. I recommend that changes be made to the Draft RMPA such that the No-Action (current management) alternative specifically state that no additional lease stipulations and/or conditions of approval will be added to the Standard Lease Terms and Conditions in existence prior to the Draft RMPA.

Steve Yates
Vice President
Harvey E. Yates Company

A The statement that no additional lease stipulations and/or Conditions of Approval will be added to the Standards Lease Terms and Conditions in existence prior to the Draft RMPA is not correct. Under current management, applicable management decisions described in the 1986 RMP are attached to new leases. Standard Lease Terms, disclosed on standard lease Form 3100-11 Offer to Lease and Lease for Oil and Gas, indicate that the operator is responsible for diligent development and to conduct operation in a manner that minimizes adverse impacts on resources anywhere within the lease. When an APD is submitted to the BLM, it is BLM s responsibility to determine the site-specific conditions, identify the mitigation measures needed, and attach the prescribed mitigation as conditions of approval of the APD. The same process would be the case for either Alternative A or B; however, the stipulations that would be attached to new leases are more clearly defined and best management practices are described as guidelines for developing site-specific mitigation.

"Steve Yates"
<syates@heyco.org>
11/28/00 09:10 AM
Please respond to
syates

To: <tom_phillips@blm.gov>
cc:
Subject: Comment on Draft Resource Management Plan Amendment for Sierra & Otero Counties

Dear Mr. Phillips,

A With all due respect to the geologists listed in Table 5-3 entitled "List of Preparers and Reviewers", it is evident by the titles and experience of these individuals that oil and gas fluid mineral development was NOT well represented in the preparation of this Draft RMPA. Because of this we believe that the conclusions reached regarding the potential impacts of oil and gas exploration and production and the resulting plans for mitigation are flawed. Therefore, we request that you recall the Draft RMPA and take additional time to properly assess the potential of O&G E&P in Sierra and Otero Counties.

Steve Yates
Vice President
Harvey E. Yates Company

A Only professionals with primary responsibilities for preparing sections of the document are listed in Table 5-3 in the Draft RMP/EIS. Other Federal, State, and industry professionals were consulted for information and data (e.g., other BLM specialists, New Mexico Bureau of Mines and Minerals, representatives of New Mexico Oil and Gas Association). These are cited in the text and listed in the references section. Table 5-3 in the Draft RMPA/EIS (Table 5-5 in this PRMPA/FEIS) is intended to provide general information about the individuals. The titles of the individuals represent their respective positions within their organizations rather than expertise. The qualifications of the individuals are appropriate and the data, information, and analyses provided are adequate.

Letter 4

"Steve Yates"
<syates@heyco.org>
11/29/00 09:40 AM
Please respond to
syates

To: <tom_phillips@blm.gov>
cc:
Subject: Comment on Draft Resource Management Plan Amendment for Sierra & Otero Counties

Dear Mr. Phillips,

A As a Professional Petroleum Engineer, and Vice President of the company and drilled the Bennett Ranch Unit #1Y discovery well that led the BLM to this Draft RMPA, I must tell you that oil and gas exploration, development and production on federal lands, through directional drilling from existing roads, is NOT feasible. As such, Alternative A has the effect of closing 160,000+ acres to fluid mineral development.

Steve Yates
Vice President
Harvey E. Yates Company

A Based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM has re-evaluated the use of the no surface occupancy (NSO) stipulation and has developed a stipulation to control surface use by limiting industry s disturbance to no more than 5 percent of the leasehold at any one time and requiring the new lessees to form exploratory units prior to commencing drilling activity. This would allow industry to achieve the reasonable foreseeable development (RFD) with less restriction while providing adequate resource protection.

HARVEY E. YATES COMPANY (HEYCO)
PETROLEUM PRODUCERS

ONE SUNWESTCENTRE
P.O. BOX 1933
ROSWELL, NEW MEXICO 88202

PHONE: (505) 623-6601
FAX: (505) 624-5321

November 27, 2000

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Tom:

Subject: Draft Resource Management Plan Amendment for Sierra & Otero Counties

A I recommend that changes be made to the Draft RMPA such that the "No-Action" (current management) alternative specifically state that no additional lease stipulations and/or conditions of approval will be added to the Standard Lease Terms and Conditions in existence prior to the Draft RMPA. I further recommend that the No-Action alternative thus amended be adopted.

Sincerely,

Steven M. Yates
Vice President

SMY

A See response to Comment A, Letter 2.

HARVEY E. YATES COMPANY (HEYCO)
PETROLEUM PRODUCERS

ONE SUNWESTCENTRE
P.O. BOX 1933
ROSWELL, NEW MEXICO 88202

PHONE: (505) 623-6601
FAX: (505) 624-5321

November 28, 2000

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Tom:

Subject: Draft Resource Management Plan Amendment for Sierra & Otero Counties

A

This document is purported to be a plan for the management of fluid mineral development, mainly oil and gas, for federal lands in Sierra and Otero Counties. In the final paragraph of the Summary (page S-6) entitled "Consultation and Coordination", the drafters of this document attempt to suggest that the oil industry has some input in its preparation. Notwithstanding a few references to Burlington Industries, I take exception with the notion that the oil industry and any input whatsoever in assessing the impacts, both positive and negative, of fluid mineral development. Table A-4 page A-IV-7 entitled "Summary of Highly Potential Wells" lists the #1 Yslentano Canyon and the Bennett Ranch Unit #1Y. Yates oil companies drilled both of these wells yet Dames and Moore did not contact either HEYCO or Cibola regarding potential impacts. Moreover, Appendix D-IV contains a compilation of "Agency Correspondence" prepared, we suppose, to show "Coordination" regarding preparation of this Draft Oil and Gas Management Plan. We would expect correspondence with New Mexico Game & Fish and the USF&W Service to discuss plants and animals, but it is obvious in the question and response from New Mexico Energy, Mineral and Natural Resources (Subject: Rare Plants in Sierra & Otero Counties) that a bias against fluid minerals was prevalent in the process.

Considering the unbalanced approach, we recommend that this Draft RMPA/EIS be recalled and rewritten; this time with unbiased "Consultation and Coordination".

Sincerely,

Steven M. Yates
Vice President

SMY

A

Following the public scoping meetings early in the process, BLM responded to requests to meet with industry representatives (i.e., a southeast New Mexico subgroup of the New Mexico Oil and Gas Association). BLM met with the group on a number of occasions to present data and information, receive feedback, and discuss the status of the planning effort. Based on information provided by the group in a meeting on September 28, 1999, BLM reviewed and increased the RFD scenario.

The data shown in the Draft RMPA/EIS, Table A-IV were obtained from public sources; that is, petroleum information scout tickets and Dwight s scout reports. Other than general information provided through personal communication by industry to BLM, more detailed data were considered by industry to be proprietary and were not made available.

The Draft RMPA/EIS, Appendix D-IV, Agency Correspondence, is a part of Appendix D, Special Status Species. The letter from the New Mexico Department of Game & Fish was in response to BLM s scoping notice distributed to the public and agencies on the BLM s mailing list in November 1998. The letter from New Mexico Energy, Minerals & Natural Resources Department was a written response to a request for data. The letter from the U.S. Fish and Wildlife Service is part of the consultation required by Section 7 of the Endangered Species Act.

A balanced and systematic approach was followed to gather the appropriate data and conduct the analyses.

Letter 7

"Steve Yates"
<syates@heyco.org>
11/30/00 03:18 PM
Please respond to
syates

To: <tom_phillips@blm.gov>
cc:
Subject: Comment on Draft Resource Management Plan Amendment for Sierra & Otero Counties

Dear Mr. Phillips,

A We are very much concerned that our comments and have no influence in changing a Draft RMPA and merely wind up part of the public record . In fact it appears that our comments on the work in progress on this Draft were ignored. What is the process you go through in responding to or considering public comment and incorporating them in a final document?

Steve Yates
Vice President
Harvey E. Yates Company

A As indicated in Section 5.4.5 of the Draft RMPA/EIS, all written and oral comments received on the Draft RMPA/EIS during the review period have been compiled and analyzed. This PRMPA/FEIS addresses the comments and provides responses to each comment received. Based on the comments and further analysis, BLM has modified Alternative A, as described in this PRMPA/FEIS.

Letter 8

"Steve Yates"
<syates@heyco.org>
12/01/00 10:33 AM
Please respond to
syates

To: <tom_phillips@blm.gov>
cc:
Subject: Comment on Draft Resource Management Plan Amendment for Sierra & Otero Counties

Dear Mr. Phillips,

A Please provide a more detailed definition of CSU "controlled surface use" with more examples of its potential application under Alternatives A&B of the Draft RMPA. We are concerned that under these alternatives, too many acres "open to leasing" but with a CSU stipulation would in effect prevent oil and gas exploration and development on federal lands. This conclusion is particularly supported by the definition for CSU, given in the Glossary of the Draft RMPA, that suggests modification of lease rights.

Steve Yates
Vice President
Harvey E. Yates Company

Steve

A The definitions given in the Glossary are general. A stipulation to control surface use is tailored specifically to a resource concern for which the requirements to manage the resource may modify the lease rights. More specific descriptions of each stipulation to control surface use are provided in Appendix D of this PRMPA/FEIS.

HARVEY E. YATES COMPANY (HEYCO)
PETROLEUM PRODUCERS

ONE SUNWESTCENTRE
P.O. BOX 1933
ROSWELL, NEW MEXICO 88202

PHONE: (505) 623-6601
FAX: (505) 624-5321

November 29, 2000

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Tom:

Subject: Draft Resource Management Plan Amendment for Sierra & Otero Counties

A

On the second page of this document, in the Abstract, Ms. Amy Lueders, BLM Las Cruces Field Manager recommends and Ms. Michelle Chavez, BLM State Director approves, selection of Alternative A as the BLM preferred alternative. Alternative A, as per Table 2-10 Page 2-29, proscribes that 160,435 acres would be open to leasing but with a stipulation of no surface occupancy. On the following page, in the second paragraph, this action is characterized as:

> "...Alternative A allows for implementing the least restrictive constraints that would provide adequate resource protection while allowing fluid minerals leasing and development to occur. Given the levels of potential for fluid minerals development, the constraints under this alternative are not anticipated to affect the ability to explore for and develop fluid mineral resources and achieve the RFD."

As and oil and gas exploration and production company, we challenge this characterization. Plainly put, the stipulation of NSO, particularly in the Salt/Pecos River Basins, and as illustrated on Map 2-2, effectively closes this area to O&G E&P. With all due respect, the notion that we can explore and develop the fluid minerals resource on federal lands by directionally drilling from the existing roads is silly! We direct you attention to bottom of Page 84, Chapter 4, which discusses the consequences of Alternative A on the minerals resource:

> "However, if NSO areas coalesce and become large enough that directional drilling is highly unlikely, then the majority of the NSO area is essentially closed to leasing."

While adoption of this "alternative" is "pending", we are concerned that Alternative A is a foregone conclusion. In that Alternative A imposes a stipulation of NSO that has the affect of "closed to leasing" we urge the BLM to rescind their recommendation of Alternative A as the BLM preferred alternative.

Sincerely,

Steven M. Yates
Vice President

SMY

A

Although BLM has not rescinded its recommendation of Alternative A as the BLM preferred alternative, BLM has re-evaluated the use of the stipulation of NSO and has developed a stipulation to control surface use by limiting industry s disturbance to no more than 5 percent of the leasehold at any one time and requiring the new lessees to form exploratory units prior to commencing drilling activity. This would allow industry to achieve the RFD with less restriction while providing adequate resource protection.

HARVEY E. YATES COMPANY (HEYCO)
PETROLEUM PRODUCERS

ONE SUNWEST CENTRE
P.O. BOX 1933
ROSWELL, NEW MEXICO 88202

PHONE: (505) 623-6601
FAX: (505) 624-5321

December 1, 2000

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Tom:

Subject: Draft Resource Management Plan Amendment for Sierra & Otero Counties

According to Table 2-10 entitled Management Guidance in Decision Area by Alternative on Page 2-29 of the Draft RMPA, it is proposed that under the No-Action alternative, 2,915 acres would be open to leasing with stipulations of "controlled surface use". As the No-Action alternative is also referred to as "current management" we conclude that less than 0.16% (that's .0016) of the total federal mineral acreage open to leasing in Sierra & Otero Counties currently require surface use restrictions. We are deeply concerned that Alternative A contemplates that 856,162 acres receive the controlled surface use stipulation. Again according to Table 2-10, this represents more than 43% of the Federal mineral acreage open to leasing.

A We have scoured the Draft RMPA/EIS to discern the meaning of "controlled surface use". The first reference we find where this action is illustrated is at the top of Page 4-91. This reference is a discussion of mitigation of environmental consequences to "Special Status Species" whereby controlled surface use is applied by requiring that fluid mineral resource operations be "relocated". If operations are to be "relocated" can we not conclude that this is tantamount to no surface occupancy? We consulted the Glossary of the Draft RMPA/EIS for the definition of controlled surface use. It defines CSU as:

> "A fluid minerals leasing constraint under which use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operation limitations that may modify lease rights."

B So, basically, under Alternative A, 856,162 Federal mineral acres are "open to leasing" but with a stipulation of CSU that would allow the BLM to "modify lease rights". Ok "Big White Chief".

Sincerely,

Steven M. Yates
Vice President

SMY

A The definition given in the Glossary is general. More specific descriptions of each stipulation to control surface use are provided for individual resource concerns in Appendix D of this PRMPA/FEIS.

B As stated in the Draft RMPA/EIS on page A-V-4, A stipulation of controlled surface use (CSU) is intended to be used when lease occupancy and use generally are allowed on all portions of the lease year-round, but because of special values, or resource concerns, specific lease activities require strict control. CSU is used to identify constraints on surface use or operations that may otherwise exceed the mitigation provided by Section 6 of the standard lease terms and conditions [Form 3100-11 Offer to Lease and Lease for Oil and Gas] and the regulations and operating orders. CSU is less restrictive than stipulations of NSO or timing limitation, which prohibit all occupancy and use on all areas where restrictions are necessary for specific types of activities rather than all activity. An example of CSU is to limit certain activities in the vicinity of a sensitive resource (e.g., avoidance of potential nest sites). Therefore, a stipulation of CSU would modify standard lease rights, but the area would remain open to leasing and development.

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November 30, 2000

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Tom:

Subject: Draft Resource Management Plan Amendment for Sierra & Otero Counties

Please find enclosed a resubmission on my letter to you dated November 28, 2000. In re-reading it I found that I left out the word "had" twice; once completely and the second time substituting the word "and". Also, with today's letter, I am expanding on some of the comments made in that submission.

A Vernon Dyer, Land Manager for HEYCO, reminds me of his attendance of quarterly BLM/Industry "Small Committee" meetings beginning in April 1998 at which the BLM presented RMPA draft work product to the group for discussion and comment. As such, you may think it is unreasonable that we would now complain that the oil and gas industry, and HEYCO in particular, had not had "any input whatsoever" in the output of this Draft RMPA. Perhaps our complaint should be that our input was ignored. When the BLM presented the RFD work in progress, we urged you to prepare a "maximum discovery potential" rather than (or at least in addition to) the impacts of an anticipated "minimum discovery potential". Presumably, the BLM perceives mostly negative impacts of fluid mineral development and would not be able to mitigate the impacts of a maximum discovery potential. In

B September 1999 at a Small Committee Meeting, we were presented with potential fluid minerals leasing alternatives and 12 maps similar to the ones prepared for the Draft RMPA/EIS we are now commenting on. We were informed, at the time, that the maps were prepared by USF&W and the BLM. Work in progress Map 2-2 corresponds with Draft RMPA/EIS Map 2-2; both depict lease restrictions under "Alternative A"; but they are VERY different in their illustration of the acres with a no surface occupancy restriction. At the time we were concerned with the definition of stipulation on the "open to leasing with stipulation", but the SMALL number of acres with NSO pales in comparison to the final Draft RMPA. As such NSO did not catch our attention. What changed? We also challenged the

C BLM on the lack of economic impact analysis; and still do.

D Is a comment that is not addressed the same as not being allowed to comment? Perhaps not, but when our comments result in a plan that envisions a 1000's of acres with NSO to 100,000's of acres with NSO; what are we to conclude?

Sincerely,

Steven M. Yates
Vice President

SMY

A Appendix A - Reasonable Foreseeable Development, provides an explanation of how the RFD scenario was derived. Based on information provided by the southeast New Mexico subgroup of the New Mexico Oil and Gas Association in a meeting on September 28, 1999, BLM reviewed and increased the RFD scenario for the Draft RMPA/EIS to the extent that the available data could support.

B The change in the draft maps illustrating Alternatives A and B resulted from resource specialist review of the preliminary draft RMPA/EIS and associated concern for the remnant Chihuahuan Desert grassland community and the habitat it provides.

C The sections relating to Social and Economic Conditions in Chapters 3 and 4 of the Draft RMPA/EIS adequately address the issues for this RMPA/EIS.

D All relevant comments, from the various interests, received during scoping and preparation of the Draft RMPA/EIS were considered and incorporated as appropriate.

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December 4, 2000

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Tom:

Subject: Draft Resource Management Plan Amendment for Sierra & Otero Counties

A The whole RMP/EIS process is predicated on the BLM's "duty" to "manage" federal "resources". This duty is first expressed on Page S-2 of the Draft: "...comply with the Federal Land Policy and Management Act (FLPMA) requirement of managing public land for sustained yield and multiple use." Yet, after a complete reading of the Draft we cannot help but conclude that the BLM has transformed this requirement into protection of all other "resources" from the impacts of fluid mineral development. For example the BLM is proposing to protect desert grassland from fragmentation as explained beginning on Page 4-34. The purpose for doing so is given on Page 4-36; to provide important habitat for pronghorn. We will reserve comment on the notion of "Desert Habitat Fragmentation" for another time, but please elaborate on the BLM's concern for pronghorn. We do not find pronghorn in Appendix D, listed as a T&E species, or of either BLM or State of New Mexico concern, or having a designation "Special Status Species". We suppose that status might be "big game" if we refer to Page 4-75. The remaining reason given for the stringent protection of the "desert grassland" is potential habitat for the Aplomado Falcon...POTENTIAL habitat. It is our understanding the BLM is currently STUDYING the suitability of the Otero Mesa area for potential habitat. The status of "potential" is thus unsubstantiated. In summary, despite using inconclusive science that O&G E&P activity would a) fragment the grassland or b) that such fragmentation would have any effect; the BLM is restricting (notwithstanding prior assertions that NSO=Closure) fluid mineral development in order to preserve it for Aplomado Falcon habitat that a) the species itself has demonstrated by its absence as unsuitable and b) the recount has yet to find enough votes to change this election; all at the expense of the O&G resource which the BLM also has a duty to protect (in this case harvest); a resource that, in contrast to the falcon, has been demonstrated to be present in Otero Mesa, with intrinsic worth (see page 4-2, 4.4MMCF/D @ $6.50/M) but, as yet, without legal protection, designation of special status or of local value and importance. We think that this was wrong and we ask that you reconsider your "duty" to "manage" federal "resources".

Sincerely,

Steven M. Yates
Vice President

SMY

A Rather than addressing the pronghorn and aplomado falcon as individual species, it is important to understand the habitat as a whole, one of the resource issues for which BLM is responsible.

To clarify how BLM determines the scope of issues to address in the planning and NEPA processes, refer to RMPA/EIS Section 1.3. During public scoping in November 1998, at the same time that BLM received comments from the oil and gas industry, a number of commentors expressed concern about potential effects on and protection of, in particular, sensitive ecosystems, including species of plants and wildlife (refer to Scoping Report Summary, January 1999). The planning criteria and issues derived from public and agency scoping provided the direction for preparing the RMPA/EIS. BLM must address all of the relevant resource concerns and issues.

The concern for the remnant, large patch of Chihuahuan Desert grassland as habitat to a number of wildlife species on Otero Mesa is evident from comments provided on the Draft RMPA/EIS. From an ecological perspective, it is believed that long-term viability of natural communities and associated species increase in proportion to the size of the area. Larger natural areas tend to have more intact natural processes. Therefore, protecting larger natural areas provides more opportunity of allowing ecological processes and long-term viability of important natural communities and species. As indicated in this PRMPA/FEIS, Sections 3.11, 3.12, and 4.2.1.9, historic degradation of desert grasslands in southern New Mexico is attributable to a combination of climatic change, introduction of roads, intensive livestock grazing, and concurrent interruption of naturally occurring fire. Otero Mesa supports one of the few remaining large expanses of remnant Chihuahuan Desert grassland. The concern is that the potential effects of additional disruption by human activity would contribute further to fragmentation and degradation of the area.

The grasslands on Otero Mesa support pronghorn and have the potential to support the northern aplomado falcon, just two species of concern associated with this habitat. Pronghorn, a big game species of economic importance, utilizes the habitat to such an extent that BLM identified Otero Mesa as an area to provide adequate habitat for pronghorn (1986 RMP). The aplomado falcon is a Federally endangered species. The 1990 aplomado falcon recovery plan states that suitable habitat in the United States and Mexico should be identified and protected and stresses that particular attention should be directed toward suitable habitat on public lands. According to the U.S. Fish and Wildlife Service (Draft RMPA/EIS, Appendix A-IV, letter dated January 5, 1999), Otero Mesa (including McGregor Range) is a high priority recovery area for the falcon because of the combination of its overall size, relatively unfragmented natural condition, and its proximity to breeding aplomado populations in nearby Mexico. Although seldom observed, sightings have been reported in Otero County over the past ten years including a 1999 confirmed sighting on Otero Mesa by a qualified ornithologist. In addition, mountain plover, Baird s sparrow, western burrowing owl, and Arizona black-tailed prairie dog are special status species of concern associated with Otero Mesa.

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December 5, 1000

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Tom:

Subject: Draft Resource Management Plan Amendment for Sierra & Otero Counties

A

We once again refer to Table 2-10 entitled "Management Guidance in Decision Area by Alternative" on Page 2-29 of the Draft RMPA, where it is proposed under the No-Action alternative that ZERO acres would be open to leasing with stipulation of "controlled surface use and timing limitation". Our previous comment regarding the stipulation of CSU did not address the 162,497 acres that Alternative A contemplates bestowing the additional stipulation of "and timing limitation". We once again have scoured the Draft RMPA/EIS to discern the meaning of "timing limitation". This time we first consulted the Glossary of the Draft RMPA/EIS for the definition of Timing Limitation. It defines it as:

> "A fluid minerals leasing constraint that prohibits surface use during specified time periods to protect identified resource values. The constraint does not apply to the operation and maintenance of production facilities unless analysis demonstrates that such constraints are needed and that less stringent, project-specific constraints would be insufficient."

The application of this constraint is best illustrated in Appendix A-III entitled "Surface Use And Best Management Practices" on Page A-III-8. The Draft RMPA contemplates avoidance of Peregrine falcon nests up to 3,400 meters (almost 2 miles) away, from March 1 through October 16. What would be the BLM's response to a situation where you have issued a lease one section in size (1 square mile), for 10 years, and, in response to an Application to Drill, conducted a biological survey that discovered a Peregrine falcon nest on that lease, and that falcon kept that nest year after year? According to Appendix A-II, Page A-II-4 under "Leasing Decision for Specific Lands", the BLM is REQUIRED before leasing to "determine that operations and development could be allowed somewhere on each proposed lease, except where stipulations would prohibit all surface occupancy".

We once again suggest that under Alternative A an additional 162,497 acres would have the potential of "open to leasing" but with constraints tantamount to no surface occupancy. We once again request that you more clearly define and illustrate the "Controlled Surface Use with Timing Limitation" stipulation.

Sincerely,

Steven M. Yates
Vice President

A

The description of the stipulation of timing limitation in the Draft RMPA/EIS Glossary and Appendix A-V, page A-V-4 explain the intent of the stipulation in general terms. How a specific stipulation would be applied is described in Appendix D.

However, BLM has re-evaluated the stipulations in concert with the resource concerns and has determined that protection of certain resource concerns can be accomplished sufficiently through Conditions of Approval of an Application for Permit to Drill (APD). Therefore, some of the stipulations (including all stipulations for timing limitations) have been eliminated from the RMPA/EIS.

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December 6, 2000

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Tom:

Subject: Draft Resource Management Plan Amendment for Sierra & Otero Counties

A We have, in a previous comment, suggested that the Draft RPMA/EIS does not anticipate robust enough positive economic impact. While we still believe this to be the case, we direct your attention to Table 4-6 beginning on Page 4-58. If we are reading this correctly the total impact from exploration and development is projected at 30,428,970 in Millions-of-Year-2000 dollars. That is either more than 30 TRILLION dollars, or a confusing table that needs clarification, or most likely, a heading error.

B Reserving future comment to discuss some of the assumptions used to prepare this economic impact, we would like to point out that, as of the date of this comment, natural gas opened trading on the NYMEX at $8.35/M. Furthermore, the index for gas sales at the California border is $14.26/M for the ENTIRE month of December. Finally, SoCal has posted a day price of $28/M. M in this nomenclature represents one million btu's which more or less represents 1000 cubic feet or 1 mcf of pipeline quality gas. Therefore, theoretically, our Bennett Ranch Unit well could be selling $36,740 of gas per DAY for a total of $1,138,940 in December. At one-eighth royalty, the federal government could receive $142,367. Moreover the State of New Mexico could receive $100,227 in severance tax to be applied to the benefit of Otero county residents. From one well, for one month!

Sincerely,

Steven M. Yates
Vice President

SMY

A Table 4-6 has been clarified.

B Research for the RMPA/EIS was conducted in 1999, and was largely based on 1997-vintage data. Since that time, energy prices and costs rose (and subsequently declined). However, during the temporary conditions, wages, materials and services costs, energy commodity prices, revenues, and royalties are now higher than the report presented. The dollar values of the secondary effects (the direct and induced effects presented in this PRMPA/FEIS as Tables 4-7 and 4-8 in Section 4.2.1.17) were similarly higher. In fact, in direct proportion to the magnitude of the changes in the values of the direct effects, since the input-output model is linear. The only parameter that should not change is the number of jobs, assuming that the productivity of labor is not affected by changes in prices and costs.

The socioeconomic impact analysis estimated that under the RFD scenario, the value of direct output of oil and gas would be $11 million per year employing 63 production personnel. Through the working of the multiplier effect (whose value was computed to be 1.27), this would stimulate an additional $2.9 million in earnings for businesses and households in Sierra and Otero Counties. It also would generate 36 additional jobs in the counties, mostly in the trade and services sectors, from workers and businesses increasing their local spending in response to the new oil and gas income. The base value used in the model for oil production was $21 per barrel (average spot wellhead price in 1997), while gas was valued at $1.76 per thousand cubic feet. These prices were applied to the average levels of output per well for oil and gas wells in southeastern New Mexico in 1997, as reported by the State Bureau of Mines and Mineral Resources, to obtain the $11 million figure cited above.

Suppose, for hypothetical purposes, that the spot wellhead prices for oil and gas were to double from their 1997 levels. Production impacts would escalate correspondingly. Thus, annual production of oil and gas from the RFD wells would be worth about $22 million per year. Accordingly, the monetary value of the secondary (i.e., direct and induced) effects also would double, to about $5.8 million, largely because of changes in profits, indirect business taxes, and royalties. The number of direct and secondary jobs would not change, however, although worker earnings might increase if wage rates were to rise. To reiterate, multiplier rates are linearly proportional to changes in the value of the direct output of the proposed action.

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December 7, 2000

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Tom:

Subject: Draft Resource Management Plan Amendment for Sierra & Otero Counties

A

We refer to the following excerpts from the Draft on Pages 2-29 and 2-30:

> "Under the No-action Alternative, any fluid minerals leasing and development would continue under existing management direction. A substantial amount of land open to leasing could be leased with standard lease terms and conditions...Assuming that the lessee/operator would conform to the conditions of approval and other requirements (refer to Appendices A-I and A-III), impacts on resource concerns are not anticipated to be significant (except possibly visual resources) and industry would have the ability to achieve the reasonable foreseeable development (RFD)."
>
> "While this alternative represents an increase in constraints beyond the existing management situation (No-action Alternative), Alternative A allows for implementing the least restrictive constraints that would provide adequate resource protection while allowing fluid minerals leasing and development to occur."

If under the No-action Alternative, "impacts on resource concerns are not anticipated to be significant" and Alternative A "represents an increase in constraints", then isn't No-action the "least restrictive"? Doesn't your office's approval of our most recent APD in the Bennett Ranch Unit (under standard lease terms and conditions and without additional constraints), confirm that impacts on resource concerns under existing management are not significant?

A search of the Draft RMPA reveals only this single reference to the term "least restrictive". Yet, it is our contention that it is the most important standard the BLM must apply toward fluid mineral resource management. We urge you to review the alternatives for proper application of the "least restrictive" test.

Sincerely,

Steven M. Yates
Vice President

SMY

A

The sentence has been revised to read Alternative A would impose the least restrictive constraints needed to provide adequate resource protection while allowing fluid minerals leasing and development.

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December 8, 2000

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Tom:

Subject: Draft Resource Management Plan Amendment for Sierra & Otero Counties

A Please refer to your copy of the U.S. Army Corps of Engineers' 1999 EIS for McGregor Range, Chapter 6, entitled "Agencies and Persons Consulted". In preparation of their document, the Corps obviously felt it necessary to include local county and city government officials in their process. In fact, according to following page, Otero County was "afforded the same opportunities for coordination and document review as the federal cooperating agencies and internal Army reviewers". Did you include and give Otero and Sierra County officials such equal status? As an Otero County taxpayer and corporate citizen, we would like to know that, in addition to our county commissioners, our city leaders in Tularosa and Alamogordo were properly briefed on the potential economic impact of oil and gas development in the county. Once again, it is our contention that the BLM has a duty to manage all public resources, including fluid minerals, in a manner that is in the best interest of the public. Notwithstanding the current need of the county for new supplies of domestic natural gas, it is the citizens of the Otero and Sierra Counties who will most benefit from the economic diversity that fluid mineral development will provide.

Sincerely,

Steven M. Yates
Vice President

SMY

A At the beginning of the NEPA process in October 1998, a scoping notice was sent to all entities on the BLM mailing list (similar to Table 5-4 in the PRMPA/FEIS). The purpose of the scoping notice was to provide an early opportunity for the recipients to participate in the development of the RMPA/EIS. Following the distribution of the scoping notice, BLM conducted public scoping meetings in three locations, including Roswell, Alamogordo, and Truth or Consequences on November 2, 4, and 5, respectively. These meetings were announced in the scoping notice, local newspapers, and the *Federal Register*. No responses were received nor requests made for cooperating-agency status by either county.

The purpose of the Draft RMPA/EIS is to fully disclose the results of the inventory of resources and analyses, and is made available for public review and comment (refer to Table 5-4 in the PRMPA/FEIS).

The Federal Land Policy and Management Act of 1976 (FLPMA) and its implementing regulations define principles for management of public lands and their resources. BLM has the responsibility to develop, maintain, and when appropriate, revise land use plans that provide for the management of public land based on the principles of multiple use and sustained yield unless otherwise specified by law. Refer to the Draft RMPA/EIS Appendix A-I, page A-I-4, under Mandates and Guidance for Planning and Environmental Resources Management.

December 22, 2000

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
Las Cruces, NM 88005

Dear Mr. Phillips:

Subject: October 2000 Draft RMPA/EIS for Minerals in Sierra & Otero Countries

A The undersigned associations are writing to request an extension of the Draft RMPA comment deadline on the Draft EIS (DEIS) for the Oil and Gas Leasing for Sierra and Otero Counties. The DEIS discloses many significant concerns regarding BLM's proposed management, which must be thoroughly analyzed and tabulated by the various parties affected by these proposed management departures. As such, more time is needed to accomplish this sweeping task.

As you are aware, the proposed preferred alternative in the DEIS is extremely controversial to those interested in leasing and developing oil and gas in the study area. We are greatly disturbed by the management options outlined in the DEIS and deplore the shift in management philosophy recently adopted by the BLM. In order for BLM to be responsive to the needs of its stakeholders, it is important to allow resource users and developers in these areas additional time to prepare their comments on the proposed revisions. Therefore, we sincerely urge you to grant a 60-day extension of the comment period.

We appreciate your consideration of our needs. Please contact me if you have any questions or would like to discuss our concerns in greater detail.

Sincerely,

Ben Dillon
Independent Petroleum Association
Of Association

New Mexico Oil and Gas Association
Independent Petroleum Association of New Mexico
Public Land Advocacy
Wyoming Independent Petroleum Association

Cc:
State Director, New Mexico
Acting Director, BLM

A An extension of 60 days was granted. Subsequently, based on a request by an Otero County Commissioner, 45 days were added to the public review and comment period.

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December 27, 2000

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Dear Tom:

It looks like we will be unable to make the public meetings next month to discuss a couple of questions about the RMPA draft. We would like to mention them to you here and ask you to give us your thoughts if you will. Feel free to respond by electronic mail if it is more convenient for you.

A Our two primary concerns at this point are how you plan to determine "roads" along which exploration will be permitted. Do you have plans for indicating roads that are through ways, or receive a certain amount of traffic or some such definitions? Certainly you do not intend to include a two track that leads to a windmill or to a water tank. Surely this is not an easy question to have answered but we assume you have made some consideration in your planning. Perhaps we have missed something too.

B Secondly, you know we are concerned about the omission of the nominated but not designated ACEC's. As you may know our staff participated in the nomination of most if not all of the areas. We sincerely feel they represent exceptional ecological and/or recreational values that cannot be sustained with surface disturbance especially and in some cases disturbance beneath the surface. Please tell us why these areas were excluded from your "preferred alternative".

Thank you, Tom, for considering this request. We look forward to hearing from you.

Sincerely,

Tom Wootten

Thomas H. Wootten
President

A For the development of the desert grassland habitat stipulation in the Draft RMPA/EIS (Appendix A-VI, page A-VI-14), BLM used satellite imagery to identify existing roads. These roads include primary, secondary, light-duty, and 4-wheel-drive roads, which are BLM resource roads and available for use by the public.

B Based on comments received on the Draft RMPA/EIS, BLM has re-evaluated the stipulation to control surface use in concert with the resource concerns associated with the nominated ACECs and determined that adequate interim protection would not be afforded to the resources. Therefore, BLM has increased the interim protection by changing the stipulation from controlled surface use to discretionary closure, which is deemed necessary based on BLM guidance that calls for the need to provide protection of the significant resource values until the areas are fully evaluated and a determination has been made on whether to designate them as ACECs.

Letter 19

151N. Roadrunner Pkwy. #327
Las Cruces.New Mexico 888011
January 27, 2001

Tom Phillips RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Dear Sir:

Regarding managing public land and Federal fluid minerals leasing and development in Sierra and Otero Counties, I think that Alternative B is the best one.

Thank you for giving me the opportunity to express my opinion.

Sincerely,

Elizabeth B. Shelford

Elizabeth B. Shelford

Letter 20

DEPARTMENT OF THE ARMY
U.S. ARMY WHITE SANDS MISSILE RANGE
100 Headquarters Avenue
WHITE SANDS MISSILE RANGE, NEW MEXICO 88002-5000

REPLY TO
ATTENTION OF

February 5, 2001

Environment and Safety Directorate

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Dear Mr. Phillips:

We would like to thank you for the opportunity to review and comment on your document, Draft Resource Management Plan Amendments and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development on Sierra and Otero Counties.

After a review by members of our Environment and Safety and Installation Support Directorates, we have no comments. Again, we appreciate the opportunity you have afforded us for this review.

Sincerely,

Thomas A. Ladd

Thomas A. Ladd
Director, Environment and Safety Directorate

NEW MEXICO NATURAL HISTORY INSTITUTE
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1750 Camino Corrales
Santa Fe, New Mexico 87505-7502

17 February 2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
1800 Marquess Street
Las Cruces, NM 88005

Comment on Draft RMP Amendment and EIS for Federal Fluid Minerals Leasing

Dear Mr. Phillips:

A Good plan; thank you. Its main deficiency is its preference for Alternative A.

It should go further. Not only should Alternative B be recommended for approval, but several areas should added to B for protection:

B 1. A large habitat area on or east of Otero Mesa. If you need a species name to justify this call it aplomado falcon habitat. But many species use these superior grasslands, which should be kept free of additional roads and disturbance for the sake of wildlife in general.

C 2. A large habitat area in Crow Flats, a road-free area for desert species. See the Caballo Management Framework Plan for a proposed 49,000-acre area. Well, maybe not that much?

D 3. A larger-than-proposed area in Lake Valley, for the same reasons as #1 & 2, but a very different grassland habitat.

E 4. And also one specific smaller area in Lake Valley: The 1976 Caballo MFP (Decision 76) proposed protection of a 1000-acre "Natural Ecological Study Area" (whatever that is) called "Lake Valley Ocotillo Outstanding Natural Area." It has never been designated. But the option to do so should be preserved by excluding leasing.

We're still talking about excluding leasing from only about a quarter of the study area. A study area that is not rich in mineral possibilities, anyway. So easy to say No now; so difficult later!

Sincerely,

Roger S. Peterson
Secretary
RogPete@aol.com

A Based on public comments on the Draft RMPA/EIS, BLM conducted further analysis and, although BLM has not rescinded its recommendation of Alternative A as the BLM preferred alternative, BLM has modified Alternative A. Adding the list of items 1 through 4 to the alternative would not address the writer s concerns.

B Part of the area described by the writer generally would be leased with a stipulation to control surface use; that is, the combined unreclaimed and unrevegetated surface disturbance from exploration, drilling, and other activities associated with lease operations cannot exceed 5 percent of the leasehold at any one time. This stipulation would limit unnecessary road development, and BLM expects that the industry would put a greater emphasis on reclamation, as it would have an impact on how fast they can develop individual leases. Therefore, the impacts on wildlife also would be minimized.

C The Crow Flats area described was not part of the Caballo Management Framework Plan (MFP). BLM cannot determine what the writer is recommending, as far as oil and gas leasing decisions, for this area.

D BLM cannot determine what the writer is recommending, as far as oil and gas leasing decisions, for this area.

E The decisions identified in the Caballo MFP were either carried forward and adopted in subsequent planning decisions or dropped. In the case of Decision #76, the decision to identify the Lake Valley Natural Ecological Study Area was not carried forward into the White Sands RMP. If future planning efforts re-identify this as a concern, the management needs to address the concern would evolve from that analysis. It was not identified as a concern for this planning effort and, therefore, no management guidelines have been described in the Draft RMPA/EIS.

Richard L. Jones
3111 Notting Hill
Roswell, NM 88201
Office (505) 623-6601
Home (505) 625-0722

February 21, 2001

Mr. Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Sir:

I attended the January public hearing in Roswell concerning the proposed amendments to the RMPA and EIS for Sierra and Otero Counties. This letter is written to comment on the proposed amendments to the 1986 RMP.

First, I am a petroleum geologist with over 21 years of experience working in Texas, New Mexico and Mississippi. I am a certified petroleum geologist through the American Association of Petroleum Geologists (#4392). I have worked in numerous basins varying from mature to frontier over my years of experience. Since November 2000, I have been employed with the Harvey E. Yates Company in Roswell. Prior to that, I was the Exploration Manager for Threshold Development Company in Fort Worth, Texas for six years. During my time with Threshold Development, I recommended their getting involved in the Apache Prospect located in southeastern Otero County. Threshold and Sun Valley (in Roswell) shot 55 square miles of 3-D seismic because we felt the potential of the area was worth the expense. Threshold Development is the current operator of that project. Also, my grandfather Jess M. Lewelling was active in Otero County buying minerals over 35 years ago. He felt the potential of the area was worth spending his money on. In fact a significant well in the Orogrande basin was drilled on his minerals. Houston Oil and Gas drilled the Lewelling #2, which had an initial potential of 168 MCFD out of the Hueco. All this was said to state my professional belief that the potential of Sierra and Otero Counties is very high based on my knowledge of the area. I would argue that the hydrocarbon potential of Otero and Sierra Counties is very high and not low to moderate as assumed in the RMP amendments. The initial potential of the 1997 Bennett Ranch discovery by HEYCO also emphatically makes that statement. **A**

There are several other points, which need to be made to show the overall potential of Otero and Sierra Counties.

1. 53% of all of the valid stratigraphic test drilled in the Orogrande basin had oil or gas shows (OGJ, January 24, 3000 p. 63)

A There are not sufficient data available to justify increasing the levels of potential for oil and gas occurrences and development to moderate and high in the Planning Area of the two counties addressed in the RMPA/EIS. As stated in the Draft RMPA/EIS, Chapter 3, Section 3.5.3, page 3-11,

> To distinguish the medium and low potential areas, the tectonic areas were evaluated for evidence of whether the trapping mechanisms for the oil and gas resource likely would be present. In the Basin and Range province it was determined that while the source rock, thermal maturity, and reservoir rock likely would be present, the trap in the horst may be either nonexistent (breached) or likely to have been flushed by fresh waters. Therefore, the horst blocks or uplifted areas (Caballo Uplift, San Andres Mountains, Sacramento Uplift, and Guadalupe Uplift) with the exception of the Otero Platform have been given a low potential rating. The Otero Platform is only partly uplifted and a large portion of its stratigraphic section is still beneath the subsurface.

2. Present economic conditions would warrant the completion of a significant number of those show wells had they been drilled today, even without the pipelines necessary to get those resources to market.
3. The knowledge base for the geology, the depositional environments of the potential formations and the type traps present in Sierra and Otero Counties has improved significantly since most of those older wells have been drilled. Also, the use of gravity data, 2-D and 3-D seismic data would greatly enhance the success rate and the overall production obtained from any well drilled there today. Again, the HEYCO Bennett Ranch discovery makes that point through its use of 3-D seismic.

B

4. The leasing bonuses and royalties received on New Mexico State Lands would be adversely affected if alternative amendments A or B were implemented because exploration activity would be forced to look elsewhere.
5. The national security of our country and our economy would also be adversely affected by the reduction of the potential supply of natural resources, which should come from Otero and Sierra counties. The present rolling black outs in California point out our nation's serious need for the oil and gas resources that should be found in Otero and Sierro Counties.

C

6. The oil and gas industry in general has a poor public image concerning the environment. However, the reality is that most companies are very concerned about the environment and work very hard today to preserve it. Small companies and independent operators who have been around decades carry on most of the wildcat exploration activity in our country. These operators live near, have offices and homes near the exploration activity. Therefore, they have a vested interest in preserving the environment, in which they live and work. The BLM even complemented the industry on the minimal environmental impact of the seismic programs, which were carried out on the Bennett Ranch and Apache 3-D seismic programs.
7. Officials form the State Oil Conservation Division in Artesia stated their objections to the proposed amendments to the 1986 RMP in the first round of hearings. When this regulatory body does not feel any further restrictions are warranted beyond the 1986 RMP, it speaks volumes about the necessity of those additional restrictions.

D

In conclusion, it is in the best interest of our county and our state that the amendment alternatives A and B be rejected. The 1986 RMP very well addressees and protects the environmental concerns of Otero and Sierra counties while still allowing the development of the oil and gas reserves, which our nation needs. The rejection of both amendment alternatives will ultimately benefit the citizens of the State of New Mexico and our nation. Therefore, in the interest of all parties we should be able to work together to find the energy our nation needs in a way that both protects the environment and does not include unnecessary restrictions.

Respectfully,

Richard L. Jones

Richard L. Jones

B

BLM originally determined that leasing and development would occur under both alternatives; therefore, BLM disagrees with the comment that the bonuses and royalties received on New Mexico State Trust Lands would be affected.

C

BLM agrees that many companies are concerned about the environment and work collaboratively with the appropriate agencies to protect it.

D

For its time, the 1986 RMP adequately addressed environmental protection given the minimal level of oil and gas development. However, as stated in Chapter 1, Section 1.1, for current decisions, the 1986 RMP was found to lack enough information to make leasing decisions commensurate with the increased leasing nominations and potential subsequent exploration and development. BLM is conducting this RMPA/EIS to be consistent with current laws, regulations, and supplemental guidance for fluid minerals leasing.

ROBERT (TITO) MEYER, LAWYER
BOARD RECOGNIZED CIVIL TRIAL SPECIALIST
AUTO ACCIDENTS, PERSONAL INJURY AND FAMILY LAW

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March 12, 2001

Tom Phillips, RMPA/EIS Team Leader
BLM
1800 Marquess
Las Cruces, NM 88005

Re: RMPA/EIS for oil, gas and geothermal resources in Otero and Sierra Counties

Dear Mr. Phillips:

I am a member of the Mesilla Valley Audubon Society. While the environmental concerns addressed in Alternative A are appreciated, I support Alternative B. It provides more protection of the resources. This is a special area and no new roads should be allowed.

A-D I also suggest: [discretionary closure of all eight nominated ACEC's and essential habitat for all Special Status Species;][no surface occupancy (NSO) within 0.5 miles of riparian areas, wetlands, or playas;][no exceptions or waivers to the NSO stipulation in remnant grassland patches and surface use limited to within 492 feet of existing roads;] and [discretionary closure of all Visual Resource Management Class II areas and VRM limited areas.]

Thank you,

Robert (Tito) Meyer

A Based on comments received on the Draft RMPA/EIS, BLM has re-evaluated the stipulation for control surface use in concert with the resource concerns associated with the nominated ACECs and determined that adequate interim protection would not be afforded to the resources. Therefore, BLM has increased the interim protection by closing nominated ACECs to leasing. Discretionary closure is deemed necessary based on BLM guidance that calls for the need to provide protection of the significant resource values until the areas are fully evaluated and a determination has been made on whether to designate them as ACECs.

B Adequate protection can be afforded to riparian habitat by imposing the stipulation of NSO within 0.25 mile of riparian areas, other wetlands, or playas. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

C BLM has re-evaluated the use of the stipulation of NSO and has developed a stipulation for control surface use that will limit disturbance of no more than 5 percent of the leasehold and require leases to be utilized. That would allow industry to achieve the RFD with less restriction while protecting remnant Chihuahuan Desert grassland patches. If site-specific conditions warrant more restrictive protection, such protection measures can be imposed through conditions of approval attached to an APD.

D VRM Class II areas will be leased with a stipulation to reduce contrasts, but still will allow for exploration and development.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, New Mexico 87113
Phone: (505) 346-2525 Fax: (505) 346-2542

March 13, 2001

Cons. #2-22-99-I-109A

Memorandum

To: Field Manager, Bureau of Land Management, Las Cruces Field Office, Las Cruces, New Mexico

From: Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, Albuquerque, New Mexico

Subject: Draft Resource Management Plan Amendment and Environmental Impact Statement in Sierra and Otero Counties

This responds to your request for comments on the October, 2000 Draft Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS) for Federal fluid minerals leasing and development in Sierra and Otero Counties, New Mexico. The proposed action consists of fluid mineral resource planning alternatives as a result of heightened interest in oil, gas, and geothermal resources within the Bureau of Land Management planning area (Otero and Sierra Counties). We reviewed the Draft EIS with respect to important fish and wildlife resources, including federally listed species. In addition, we provide other suggested revisions for further refinement.

General Comments:

A Generally, the preferred alternative (Alternative A) is adequate in addressing general fish and wildlife resources. However, protective measures for the No-action alternative will not adequately address concerns related to the federally-endangered northern aplomado falcon (*Falco femoralis septentrionalis*) (falcon). Protective measures in Alternative B, appear to be very similar to Alternative A for the falcon.

As you are aware, Otero Mesa, and to some extent the Nutt grassland, contains remnant native yucca desert grasslands. Due to its large size and relatively unfragmented, undeveloped condition, Otero Mesa is a unique example of Chihuahuan desert grassland that would provide essential habitat for the recovery of the falcon in the southwestern United States. Because of the importance of these areas, it is the Services recommendation to protect these areas to the greatest extent possible, by minimizing further landscape and site specific fragmentation that can result from projects such as roads and pipelines.

A Based on comments received on the Draft RMPA/EIS, BLM has conducted further analysis. BLM re-evaluated the stipulation of NSO applied to the Otero and Nutt Desert Grassland Habitat and determine that it is too restrictive. BLM is required to impose the least restrictive constraints needed to provide adequate protection while allowing fluid minerals leasing and development; therefore, adequate protection can be afforded the northern aplomado falcon by the Proposed Plan (Alternative A modified) in this PRMPA/FEIS including a stipulation to control surface use and through existing protective requirements and guidelines. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

2

B The preferred alternative proposes to protect remaining desert grasslands from further degradation by excluding surface occupancy within "Remaining Habitat Patches" greater than 320 acres, with some being as large as 5,000 acres. This level of no surface occupancy will help in reducing fragmentation and it is assumed to be adequate to protect the integrity and functionality of the habitat for the falcon. However, the Service is concerned because it is not clear from the analysis how continued grazing, the existing road system, and proposed 40 acre spaced gas field lease areas on State, private, and BLM lands can occur without further degradation and fragmentation of the Nutt and Otero Mesa Chihuahuan desert grasslands. A more detailed description and statistical information of the core area concept is needed in the EIS and/or the Biological Assessment.

C Successful re-vegetation efforts in desert grasslands may not be possible because of natural xeric conditions and livestock grazing regimes. Because of the unique and fragile nature of these desert grasslands, any disturbance will likely degrade habitat quality for the falcon and other grassland species in spite of the proposed re-vegetation efforts.

D The Service would like to see a detailed assessment of the affect of hydrogen sulfide on wildlife species addressed in the EIS.

The following specific comments are intended to help refine the document.

Specific Comments:

E	Page 2-12	(Section 2.2.9 Special Status Species) None of the eight ACECs address the falcon or fall within the planned development area. The Service suggests designating Nutt and Otero Mesa as an Area of Critical Environmental Concern for the falcon, with the appropriate management measures that would prevent or minimize habitat fragmentation for the falcon and its potential prey species.
F	Page 4-32	(Last paragraph, line 4, Perez et al. 1999, Hausenbiller 1972) Missing references
G	Page 4-33, 4-39 4-44 and A-III-13	There are no clear timetables or methodology to accomplish re-vegetation of desert grasslands. Healthy remnant desert grasslands are rarely, if ever, restored. Please provide any information that could be used to show that the proposed action would not result in an irreversible and irretrievable commitment of resources. All large multi stem yuccas should be protected prior to disturbance, however this should not preclude the consideration that there may be an acceptable density range of nestable yuccas and that some may need to be eliminated in high density situations.

B Alternative A, BLM s preferred alternative in the draft RMPA/EIS, has been modified. Refer to response to Comment A.

C BLM has described reclamation requirements that would involve greater efforts toward successful reclamation. In addition, in recognition of the ability to learn from any future successes or failures, BLM plans to withhold leasing on two parcels of land accounting for approximately 30,500 acres of Chihuahuan Desert grassland. As development occurs and reclamation is practiced, outside of these areas, BLM would be able to assess the success and address the failures in any possible leasing that may take place in the withheld areas.

D BLM Handbook H-3160-1, II, E, states that

> The drilling application must address all potential safety and public health hazards and plans for their mitigation. If hydrogen sulfide (H_2S) gas is expected to be encountered in dangerous quantities during drilling, the drilling application should include a contingency plan covering all proposed safeguards, the method and location of detection equipment and warning devices, public identification and alert plans, and employee education plans. This education covers the dangers of exposure to H_2S and procedures to be followed, if H_2S is encountered during drilling. The preventive measures and operating practices required must be provided to control the effects of the toxicity and corrosive characteristics of H_2S.

A detailed discussion of H_2S is not needed because there are no known concentrations in the two-county area. However, if future activities are conducted in zones that are known or reasonably could be expected to contain H_2S, the provision of the Onshore Order 6 would become effective.

E Designating the grasslands as ACECs is not necessary to adequately address needed protective measures for aplomado falcon or the prey species they depend on. The purpose of this planning document is to amend the White Sands RMP to describe where oil and gas leasing would be allowed and under what constraints those future oil and gas development activities would be managed. Any proposals for ACEC designation would be considered in upcoming land use plan revisions or amendments, with appropriate notification to the public and other interested and affected parties, agencies, and governments. This would allow for input and gathering of needed information and data so that we can properly determine whether the areas meet the relevance and importance criteria, in accordance with BLM regulations.

F The references have been added to the reference section of the PRMPA/FEIS.

G It is correct that there are no clear timetables or methodology to accomplish revegetation of desert grasslands. This RMPA/EIS addresses two counties that have varied environmental conditions. Such revegetation plans are dependent on conditions at a site and developed more appropriately on a site-specific, case-by-case basis (as conditions of approval of an APD), and each case is reviewed by the interdisciplinary team. Natural and cultural values would be avoided. Mitigation measures would be incorporated within the authorizations to minimize the adverse effects of any surface-disturbing activity. Project construction areas would be rehabilitated by various reseeding and soil-erosion control methods using the surface-use guidance documents and best management practices as described in Appendix B — Surface Use and Best Management Practices in this PRMPA/FEIS.

It would be BLM s intention to avoid large multi-stem yuccas, to the extent practicable, if identified during field review for an APD. Managing density of nestable yuccas is a broader issue that is beyond the scope of this RMPA/EIS. However, it could be addressed in a future habitat management plan based on the results of the current five-year study addressing the aplomado falcon and its habitat needs.

3

H	Page 4-36	(2nd Paragraph) The 320 minimum acre patch size should be related to the biological needs of the falcon. We would recommend a study within the Nutt and Otero Mesa on the effects of fragmentation/disturbance from well pad spacing on falcon prey abundance and availability. Greater detail on the description of core areas is needed.
I	Page 4-39	(Production Phase) There is no mention of any electrical infrastructure planned for the area. What additional disturbance to the falcon and other species would result from this activity? If electrical infrastructure is planned, please describe the effects of construction and maintenance on the falcon and other wildlife species.
J	Page 4-42	(1st Paragraph 4th Line) Site-specific surveys should include the phrase "during the appropriate nesting season". Any reference to conducting raptor surveys should include this phrase.
K	Page 4-90	(Special Status Species) We recommend a more complete assessment of proposed protective measures for the falcon.
L	Page D-II-1	(Last Paragraph 5th Line) Spelling of San Andres Mountains.
M	Page D-II-5	Add the following to the falcon discussion (end of the first paragraph). Within the planning area, Otero Mesa and to a lesser extent the Nutt grasslands is one of the last remnants of high quality unfragmented yucca desert grassland habitat necessary for the recovery of the northern aplomado falcon in the desert southwest. The falcon's decline and extirpation in the United States was attributed, in part, to type conversion of desert grasslands.
N		Add "Tobosa Swales" as known habitat used by falcons.

O — A thorough analysis of the cumulative effects of the proposed action, livestock grazing, and the existing road system on habitat suitability of the falcon should be completed. The U. S. Fish and Wildlife Service prefers the establishment of wholly separate areas for leasing and falcon habitat because once field development is underway, it becomes difficult to limit specific placement of infrastructure, pads, and pipelines.

P — Apart from the EIS, it is our understanding that a Biological Assessment will be prepared as per consultation requirements under the Endangered Species Act.

Q — The threatened, endangered, candidate species and species of concern list that was sent to you on January 5, 1999, is no longer current. There have been changes in the status of several species (e.g., American peregrine falcon from endangered to species of concern,

H — The 320-acre patch size is a minimum size of unfragmented lands, when determining grassland areas appropriate for special protection.

Such a study is beyond the scope of this RMPA/EIS. Monitoring the effectiveness of BLM s decisions will take place as part of implementation of this plan.

I — At this level of study, no specific development is addressed; therefore, no specific plans for electrical infrastructure are identified.

As stated on page A-III-10 in the Draft RMPA/EIS and in Appendix B of this PRMPA/FEIS, Powerlines shall be constructed to standards outlined in the most recent version of Suggested Practices for Raptor Protection on Powerlines published by Edison Electric Institute/Raptor Research Foundation, unless otherwise agreed to by the Authorized Officer. The holder is responsible for demonstrating that power pole designs not meeting these standards are raptor safe. Such proof shall be provided by a raptor expert approved by the Authorized Officer. The BLM reserves the right to require modifications or additions to power line structures constructed under this authorization, should they be necessary to ensure the safety of large perching birds. The modifications and/or additions shall be made by the holder without liability or expense to the United States.

J — As indicated on pages A-III-6 and A-III-8 in the Draft RMPA/EIS and in Appendix B of this PRMPA/FEIS, management practices would include surveys for preliminary investigations as well as subsequently at well sites.

Prior to surveying/flagging routes for geophysical surveys or other preliminary activities during raptor breeding season, the project area would be surveyed for raptor nests. Surveys would be conducted by professional biologists approved by the Authorized Officer. The Universal Transmercator (UTM) grid locations of all raptor nests would be reported to the Authorized Officer. All active raptor nests should be avoided by the required distances as listed below:

- Eagle — 0.5 mile
- Peregrine — 0.5 to 4.125 miles (consistent with the management zones in Johnson 1994)
- All other raptor species — 0.25 mile

J (cont.)

An active raptor nest is defined as any raptor or corvid nest being used during the current nesting season.

Prior to surveying/flagging locations for pads, routes for roads, and other preliminary activities during the raptor breeding season, the project area would be surveyed for raptor nests. Surveys would be conducted by professional biologists approved by the Authorized Officer. All active raptor nests would be avoided by the distances listed above and during the dates listed below:

- Peregrine falcon — variable March 1 through October 1
- Aplomado falcon — January 1 through July 31
- All raptor species during observed nest establishment through fledgling

K

A more complete assessment of protective measures for the aplomado falcon would be addressed more appropriately at the time of an APD rather than in this document. Also, protective measures may be addressed better based on the results of the current five-year study addressing the aplomado falcon and its habitat needs, and subsequently, it could be addressed in a future habitat management plan.

L

Spelling corrected.

M

The text has been modified to reflect your statement. Refer to Chapter 4, Section 4.2.1.9.

N

The term tobosa swales as known habitat used by falcons has been added to the text. Refer to Chapter 3, Section 3.12.

O

Considering that this RMPA/EIS does not address site-specific actions or areas, cumulative effects are addressed adequately.

Fluid mineral activities can be mitigated to enable fluid mineral activities and falcon habitat to coexist.

P

Your statement is correct. A Biological Assessment has been submitted to your agency.

4

Q (cont.) black-tailed prairie dog from species of concern to candidate). Enclosed is a current list of species that may be found in Otero and Sierra Counties. Additional information about these species is available on the internet at <http://nmrareplants.unm.edu>, <http://nmnhp.unm.edu/bisonm/bisonm.cfm>, and <http://ifw2es.fws.gov/endangeredspecies>.

R Candidates and species of concern have no legal protection under the Endangered Species Act and are included in this document for planning purposes only. We are required to monitor the status of these species. If significant declines are detected, these species could potentially be listed as endangered or threatened. Therefore, actions that may contribute to their decline should be avoided. We recommend that candidates and species of concern be included in your surveys.

S Under Executive Order 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands, and preserve and enhance their natural and beneficial values. These habitats should be conserved through avoidance or mitigated to ensure no net loss of wetlands functions and values.

T The Migratory Bird Treaty Act (MBTA) provides a year-round no hunting season for non-game birds and prohibits the taking of migratory birds, nests, and eggs, except as permitted. Please keep in mind that the scope of federally-listed species compliance also includes any interrelated or interdependent project activities and any indirect and cumulative effects. We suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding fish, wildlife, and plants of State concern.

Thank you for your concern for endangered species and New Mexico's wildlife habitats. If you have any questions, please contact Carrie Hernandez at the letterhead address or at (505) 346-2525, ext. 143.

Sincerely,

Joy E. Nicholopoulos

Joy E. Nicholopoulos
Field Supervisor

Enclosure

cc: (w/o enc)
Director, New Mexico Department of Game and Fish, Santa Fe, New Mexico
Director, New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division, Santa Fe, New Mexico

Q A current list has been obtained, reviewed, and incorporated in the PRMPA/FEIS. The only addition to the list in the Draft RMPA/EIS is the Chiricahua leopard frog.

R As part of the approval of a site-specific APD, BLM would review the action proposed and determine the level of environmental assessment needed. Requirements would be documented in the conditions of approval attached to the APD.

S As stated in the Draft RMPA/EIS on page A-VI-12 and in this PRMPA/FEIS, riparian, other wetlands, and playas would be managed as open to leasing with a stipulation of no surface occupancy within 0.25 mile.

T Your comment regarding the Migratory Bird Treaty Act has been noted.

The Biological Assessment addresses interrelated or interdependent project activities as well as direct, indirect, and cumulative effects.

Refer to the Draft RMPA/EIS, Appendix D-IV, for the letters received from the New Mexico Department of Game and Fish; New Mexico Energy, Minerals, and Natural Resources Department; and U.S. Fish and Wildlife Service.

Threatened, Endangered, and Candidate Species, and Species of Concern in Otero and Sierra Counties, New Mexico
March 13, 2001

Otero

Big free-tailed bat, Nyctinomops macrotis (=Tadarida m., T. molossa), SC
Black-footed ferret, Mustela nigripes, E**
Black-tailed prairie dog, Cynomys ludovicianus, C
Cave myotis, Myotis velifer, SC
Desert pocket gopher, Geomys bursarius arenarius, SC
Fringed myotis, Myotis thysanodes, SC
Gray-footed chipmunk, Tamias canipes, SC
Greater western mastiff bat, Eumops perotis californicus, SC
Guadalupe southern pocket gopher, Thomomys umbrinus guadalupensis, SC
New Mexican meadow jumping mouse, Zapus hudsonius luteus, SC
Occult little brown bat, Myotis lucifugus occultus, SC
Townsend's big-eared bat, Corynorhinus townsendii, SC
Spotted bat, Euderma maculatum, SC
White Sands woodrat, Neotoma micropus leucophaea, SC
American peregrine falcon, Falco peregrinus anatum, SC
Arctic peregrine falcon, Falco peregrinus tundrius, SC
Baird's sparrow, Ammodramus bairdii, SC
Bald eagle, Haliaeetus leucocephalus, T
Black tern, Chlidonias niger, SC
Ferruginous hawk, Buteo regalis, SC
Interior least tern, Sterna antillarum athalassos, E
Loggerhead shrike, Lanius ludovicianus, SC
Mexican spotted owl, Strix occidentalis lucida, T w/PCH
Northern aplomado falcon, Falco femoralis septentrionalis, E
Northern goshawk, Accipiter gentilis, SC
Southwestern willow flycatcher, Empidonax traillii extimus, E
Western burrowing owl, Athene cunicularia hypugaea, SC
Mountain plover, Charadrius montanus, PT
White-faced ibis, Plegadis chihi, SC
Yellow-billed cuckoo, Coccyzus americanus, SC
White Sands pupfish, Cyprinodon tularosa, SC
Sacramento mountain salamander, Aneides hardii, SC
Texas horned lizard, Phrynosoma cornutum, SC
Sacramento Mountains checkerspot butterfly, Euphydryas anicia cloudcrofti, SC
Sacramento Mountains silverspot butterfly, Speyeria atlantis capitanensis, SC
Sacramento Mountains blue butterfly, Icaricia icarioides new subspecies, SC
Alamo beardtongue, Penstemon alamosensis, SC
Desert night-blooming cereus, Cereus greggii var. greggii, SC

Otero Continued

Goodding's onion, Allium gooddingii, SC
Guadalupe rabbitbrush, Chrysothamnus nauseosus var. texensis, SC
Gypsum scalebroom, Lepidospartum burgessii, SC
Kuenzler hedgehog cactus, Echinocereus fendleri var. kuenzleri, E
Sacramento Mountains thistle, Cirsium vinaceum, T
Sacramento prickly poppy, Argemone pleiacantha ssp. pinnatisecta, E
Sierra Blanca cliffdaisy, Chaetopappa elegans, SC
Todsen's pennyroyal, Hedeoma todsenii, E
Villard's pincushion cactus, Escobaria villardii, SC
Wright's marsh thistle, Cirsium wrightii, SC

Sierra

Black-footed ferret, Mustela nigripes, E**
Black-tailed prairie dog, Cynomys ludovicianus, C*
Fringed myotis, Myotis thysanodes, SC
Greater western mastiff bat, Eumops perotis californicus, SC
Long-eared myotis, Myotis evotis, SC
Occult little brown bat, Myotis lucifugus occultus, SC
Organ Mountains Colorado chipmunk, Eutamias quadrivittatus australis, SC
Townsend's big-eared bat, Corynorhinus townsendii, SC
Southwestern otter, Lutra canadensis sonorae, SC
Spotted bat, Euderma maculatum, SC
White Sands woodrat, Neotoma micropus leucophaea, SC
American peregrine falcon, Falco peregrinus anatum, SC
Arctic peregrine falcon, Falco peregrinus tundrius, SC
Baird's sparrow, Ammodramus bairdii, SC
Bald eagle, Haliaeetus leucocephalus, T
Black tern, Chlidonias niger, SC
Ferruginous hawk, Buteo regalis, SC
Loggerhead shrike, Lanius ludovicianus, SC
Mexican spotted owl, Strix occidentalis lucida, T w/PCH
Northern aplomado falcon, Falco femoralis septentrionalis, E
Northern goshawk, Accipiter gentilis, SC
Southwestern willow flycatcher, Empidonax traillii extimus, E
Western burrowing owl, Athene cunicularia hypugaea, SC
White-faced ibis, Plegadis chihi, SC
Whooping crane, Grus americana, XN
Yellow-billed cuckoo, Coccyzus americanus, SC
Desert sucker, Catostomus clarki, SC
Gila trout, Oncorhynchus gilae, E
Longfin dace, Agosia chrysogaster*, SC
Rio Grande silvery minnow, Hybognathus amarus, E
Sonora sucker, Catostomus insignis, SC
Speckled dace, Rhinichthys osculus (Gila drainage), SC
White Sands pupfish, Cyprinodon tularosa, SC

Sierra Continued

Arizona southwestern toad, Bufo microscaphus microscaphus, SC
Chiricahua leopard frog, Rana chiricahuensis, PT
Texas horned lizard, Phrynosoma cornutum, SC
Desert viceroy butterfly, Limenitis archippus obsoleta, SC
Mineral Creek mountainsnail, Oreohelix pilsbryi, SC
Duncan's cory cactus, Coryphantha duncanii, SC
Pinos Altos fameflower, Talinum humile, SC
Sandhill goosefoot, Chenopodium cycloides, SC
Todsen's pennyroyal, Hedeoma todsenii, E w/CH

Index

E	=	Endangered (in danger of extinction throughout all or a significant portion of its range).
PE	=	Proposed Endangered
PE w/CH	=	Proposed Endangered with critical habitat
T	=	Threatened (likely to become endangered within the foreseeable future throughout all or a significant portion of its range).
PT	=	Proposed Threatened
PT w/CH	=	Proposed Threatened with critical habitat
PCH	=	Proposed critical habitat
C	=	Candidate Species (taxa for which the Service has sufficient information to propose that they be added to list of endangered and threatened species, but the listing action has been precluded by other higher priority listing activities).
SC	=	Species of Concern (Taxa for which further biological research and field study are needed to resolve their conservation status OR are considered sensitive, rare, or declining on lists maintained by Natural Heritage Programs, State wildlife agencies, other Federal agencies, or professional/academic scientific societies). Species of Concern are included for planning purposes only.
S/A	=	Similarity of Appearance
*	=	Introduced population
†	=	May occur in this county from re-introductions in Colorado.
XN	=	Nonessential experimental
**	=	Survey should be conducted if project involves impacts to prairie dog towns or complexes of 200-acres or more for the Gunnison's prairie dog (Cynomys gunnisoni) and/or 80-acres or more for any subspecies of Black-tailed prairie dog (Cynomys ludovicianus). A complex consists of two or more neighboring prairie dog towns within 4.3 miles (7 kilometers) of each other.
***	=	Extirpated in this county

SIERRA CLUB

SOUTHERN NEW MEXICO GROUP
PO Box 3705 UPB Las Cruces, NM 88003

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
1800 Marquess Street
Las Cruces, NM 88005

Dear Mr. Phillips

Before we start carping we want to congratulate you and the bureau for this effort. To rule or limit drilling operations on sensitive area of the former White sands Resource Area is really "thinking ahead' and avoiding possible major problems later. The whole effort is in the right direction and we are grateful for it.

And we want to congratulate you for the features of Alternative B, which excludes leasing of provides other protections for most of the vulnerable wildlife and sensitive-species areas.

That said, we need to persuade you (1) to recommend the improved Alternative B, to the state Director and (2) to improve Alternative B to include some serious omissions from protection.

A Consider: what will you do when in 2005 a petroleum company applies to lease land south of Bent in the midst of the best Todsen pennyroyal populations? You would sputter about "endangered species" and claim that a half-mile offset was needed or some such. But what you would wish is that you had already ruled that the few sections of this nominated ACEC had been put out of bounds in 2001. It is so simple to do it now, so difficult then when a company points out that in 2001 you didn't think that the pennyroyal was worthy of protection.

And so on for all eight nominated ACECs, for which you have excellent justifications (mostly in Dunmire 1992). As you state on p 2-13, BLM policy on these areas is to manage for the resources for which the areas were nominated until the areas can be evaluated. So do it!-protect them from leasing at least until they are evaluated.

B And so on for the other specific areas listed for protection under Alternative B but not under A. There are good reasons for each of them. Think of your future embarrassment when drilling is proposed amid the special cacti of the Jaillas of close to riparian habitat on Perch Creek or the Tularosa River and you have to argue about what "no surface occupancy" (Alternative A's proposal) means in these areas, wherewildlife habitat is not limited to streamside but extends outward an unknown number of hundreds of yards.

C We are particularly pleased (and a little surprised) to see the Cuchillo Mountains closed to leasing under Alternative B. A great area with many wildland and wildlife values that should definitely not be spoiled by O-&-G activities.

On the specific areas listed under Alternative B, the Red Sands ORV area is the only one about which we have no strong feeling. That listing is right.

D As to the larger, less specific areas, VRM II and ORV-limited areas, our argument is simply that 16% of the Planning Area closed to leasing is not much. Oil-and gas activity is hard on wildlife because of its roads, its noise, and its human presence. The Bureau's missions include conservation and multiple-use; 84% designated for extraction is high percentage.

A See response to Comment A, Letter 23.

B Regarding riparian areas, see response to Comment B, Letter 23.

C BLM has re-evaluated the stipulation placed on the area in the Cuchillo Mountains. The present stands of pi on pine trees in the Cuchillo Mountains are maintained as a pi on nut collection area. Standard lease terms and conditions would provide adequate management. In addition, a Lease Notice would notify operators that they would be required to implement necessary mitigations to reduce damage to pi on pine trees such as rerouting access roads and modifying well pad locations.

D Federal lands are made available for fluid minerals leasing through the Minerals Leasing Act of 1920, as amended, and the Geothermal Leasing Act of 1970. Fluid mineral leases provide the opportunity to explore for and produce domestic sources of fluid minerals to meet the national demand for energy and to reduce dependence on foreign oil. All public land is open to leasing unless a specific order has been issued to withdraw an area from leasing. BLM is required to impose the least restrictive constraints needed to provide adequate resource protection while allowing fluid minerals leasing and development.

SIERRA CLUB

SOUTHERN NEW MEXICO GROUP
PO Box 3705 UPB Las Cruces, NM 88003

D (cont.) 84% is too high. We think that Alternative B should be extended. In particular, as large closure for open-space species including the aplomado falcon should be extended eastward from the McGregor Rang closure. (There is no telling what kind of messes the military will make of the Range.) There are extensive stands of good grasses out there, not yet too cut up by roads. They should stay that way.

Similarly a larger area should be closed in the Nutt and Lake valley grasslands; Alternative B's proposals there are good but result from thinking to small. We're talking about habitat for pronghorns and other large species; large areas should remain free of O-&-G development.

E A third habitat area, desert grassland with much yucca, ocotillo, cacti, and desert browse species as well as tobosa and black grama, should be reserved in the Crow Flats areas, as proposed in the Caballo MFP. If O-&-G activities ever invade Crow Flats, a fraction should be protected for wildlife and ecological values (although perhaps less than the FGP's ambitious 49,000-acre outstanding natural area).

F That Caballo MFP (Decision 79) also proposes special management for 7191 acres near the Black Range of "scenic mountain lands containing interesting rock structures and a variety of vegetative types. They are believed to be valuable winter habitat for mule deer." The White Sands RMP, strangely, designated some of these lands for disposal. But from whatever's left, leasing should be excluded.

G Even if these additions bring total closures to 25% of the Planning Area, that's a reasonable proportion for lands that are low in mineral values anyway and of great and increasing value for wildlife, plans, and recreation.

Sincerely,
Margo Wilson
Southern New Mexico Group of the Sierra Club

E The Crow Flats area described was not part of the Caballo Management Framework Plan (MFP). BLM cannot determine what the writer is recommending regarding oil and gas leasing decisions for this area.

F In reviewing the existing resources, BLM has determined that leasing and development continue to be an appropriate use and would be managed according to lease stipulations identified in Appendix D of this PRMPA/FEIS.

Caballo MFP Decision 79 to retain those lands and manage them for their scenic and recreational values was not carried forward in the Southern Rio Grande MFP in 1982. In the Southern Rio Grande MFP, most of those lands were identified for potential disposal because they are small and isolated parcels and therefore difficult and not economical to manage. Most of the lands were identified again for potential disposal in the White Sands RMP in 1986. To date, the lands have not been disposed of and are still public lands administered by the BLM. Land ownership adjustment will be re-evaluated again in the upcoming White Sands RMP Revision scheduled to begin in early 2004.

G See response to Comment D above.

03-16-01

TOM Phillips
1800 MARQUES
LAS CRUCES NM 88005

DEAR Tom

Im hopping that Heyco will soon gain permission To Drill for natural Gas in Otero County. this will Be one of the Best things that can happen to this area.

the only thing that keep this area going is Holloman AFB

A [and whitesand missile Range. I also would like to have information on How I can Buy stocks into Heyco

thank You
RICHARD L. PADILLA
2400 ABBOTT AVE
ALAMOGORDO NM 88310

A [BLM does not have this information.

Mark Bremer
1018 N. Thomas Street
Carlsbad, NM 88220-4576

February 23, 2001

Tom Phillips
RMPA/EIS Team Leader
Bureau of Land Management
1800 Marquess
Las Cruces, NM 88005

RE: Draft Resource Management Plan Amendment and Environmental Impact Statement for Oil, Gas and Geothermal Resources in Sierra and Otero Counties

Dear Mr. Phillips,

I appreciate the environmental concerns addressed in Alternative A in the above referenced amendment, however I support the more stringent resource protection provided in Alternative B. The Planning Area includes many important habitat areas that represent the best of what New Mexico has to offer in the preservation of sensitive species and furthering the enjoyment of national and local visitors to the area.

I wish to stress the importance of preventing the construction of new roads in the Planning Area. As a professional engineer who is tasked with maintaining unimproved roads on public property, continued grading and maintenance activities increase soil loss and contribute to degradation of water quality in the watershed. The wording provided in Alternative A *requiring the "maximum use of existing road and/or other utility corridors" to decrease habitat fragmentation* allows for wide interpretation and associated circumvention of intent.

In consideration of the Amendment, I also suggest the following:

A 1. Discretionary closure of all eight nominated Areas of Critical Concern and essential habitat for all Special Status Species.
B 2. No Surface Occupancy within 0.5 miles of riparian areas, wetlands, or playas.
C 3. No exceptions or waivers to the No Surface Occupancy stipulation in remnant grassland patches and surface use limited to within 492 feet of existing roads.
D 4. Discretionary closure of all Visual Resource Management Class II Areas and Visual Resource Management limited areas.

Sincerely,

Mark Bremer, P.E.

A See response to Comment A, Letter 23.

B See response to Comment B, Letter 23.

C See response to Comment C, Letter 23.

D See response to Comment D, Letter 23.

Alamogordo NM
March 19, 2001

Tom Phillips
1800 Marquess
Las Cruces, N.M 88068

Dear Sir:

A Regarding the Nancy F. Ryan Co (NFEYCO and exploration of the Tularosa Basin - the Plan of the BLM of 1986 should be left as stated and Yates CO should be able to Drill & explore the Tularosa Basin in Otero County. Further exploration would benefit Otero County area and help eliminate some dependence on OPEC for oil.

Sincerely,

Orma Charlene Stuart
405 Sacramento
Alamogordo, NM 88310

(11/23/1919) birth

A See response to Comment D, Letter 22.

March 18, 2001
9933 NWCR 2221
Barry, Texas 75102

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces field Office
1800 Marquess
Las Cruces, NM 88005

Re: Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties

Dear Mr. Phillips,

I am writing in regards to the above mentioned document. I would like to have my comments considered in the final decision. My comments may not be as technical as some you receive, but I guarantee none will be sent with more caring for all aspects of the environment for the area under consideration.

A In your document on page A-IV-6 Table A-2 you refer to the Bennett Ranch gas well. This particular well is mentioned again in the document such as on page A-IV-10. My parents were Wilson and Susie Mae Bennett and I grew up on the ranch where that well is located. My husband, Jim, and I had assumed operations of that ranch and were living there when that well was drilled. In fact we could see it from our house, hear the motors that were running down there, and even have the lights from that well create shadows in our bedroom every night. So, needless to say we were extremely aware of what that well and the people involved with that well were doing to many aspects of the environment.

There must be some type of action allowed for the times that the established regulations are broken. That will happen. In the case of the above mentioned well we ran into numerous occasions where people were not truthful or would break established laws and guidelines. For example, we found two pickup loads of people that were associated with this well coming off of the Alamo Mountain after we saw them parked up at the Butterfield Stagecoach Station or when I found 6 trucks stopped and the men getting water out of the corrals at our house. As a rancher or private citizen we had no recourse for such wrongful actions.

This is truly a beautiful and unique area that has been cared for and loved by the people that have lived and worked there for generations. Do not allow the current family ranching operations, culture and aesthetic beauty of this area to be destroyed. Please send
B me any notice on any further actions taken in regard to this matter.

Sincerely,

Martha Coody

Martha Coody

A BLM has the authority to enforce Federal regulations and BLM policies only on surface lands managed by BLM. Actions occurring on private land become the responsibility of the landowner.

B Your name and address are on the project mailing list to receive information regarding this RMPA/EIS in the future.

131 Comanche Dr.
Carlsbad, NM 88220
March 25, 2001

Tom Phillips
RMPA/EIS Team Leader
BLM
1800 Marquess
Las Cruces, NM 88005

Dear Tom Phillips,

I would like to comment on the draft Resource Management Plan Amendment and Environmental Impact Statement for oil, gas, and geothermal resources in Sierra and Otero Counties. I appreciate the environmental concerns addressed in the BLM preferred alternative (Alternative A), however I support Alternative B. I support Alternative B because it provides more resource protection for the Planning Area. The Planning Area currently has few roads and includes some of the best remnant grasslands left in the state. I want to stress that I am strongly opposed to the construction of new roads in the Planning Area. I would also like to see:

A
- discretionary closure of all eight nominated Areas of Critical Environmental Concern;

B
- no exceptions or waivers to the no surface occupancy stipulation in remnant grassland patches, and surface use limited to within 150 meters of existing roads;

C
- and discretionary closure of all Visual Resource Management Class II Areas and Visual Resource Management limited areas.

D Most importantly, please no surface occupancy within 0.5 miles of riparian areas or playas.

Thank you for your consideration,

LaNette Irby
Wildlife Biologist

A See response to Comment A, Letter 23.

B See response to Comment B, Letter 23.

C See response to Comment C, Letter 23.

D See response to Comment D, Letter 23.

STANLEY L. EVANS
2608-B CAMP AVENUE
CARLSBAD NM, 88220-3540

TELEPHONE: (505) 887-2201
e-mail: slevans@carlsbadnm.com

March 26, 2001

Mr. Tom Phillips
RMPA/EIS Team Leader
Bureau of Land Management

Mr. Phillips:

I am writing with reference to the RMPA/EIS for Sierra and Otero Counties. I understand the situation in the United States concerning energy development and I know we must make use of our resources. However, this area is one of the few remaining in Southern New Mexico which is relatively undeveloped. I would hope that the BLM will take a very conservative approach to this area. Oil and gas development can have a devastating effect on an area as is demonstrated by the Indian Hills area in Eddy county!

I understand the pressure you are under by the industry and some branches of government but I would hope the BLM will support Alternative B. Even if this is not possible, I would hope the BLM will take particular interest in keeping road and pipeline right-of-ways to a minimum! There are a number of remnant grassland patches in this area which should protected from surface use. Riparian and wetland areas are at a minimum already and there should be no surface occupancy within at least 0.5 miles of these areas. There are several areas of essential habitat for Special Status Species in these counties and they should be closed.

A

B

C

Thank you for your attention.

Sincerely

Stanley L. Evans

A Federal lands are made available for fluid minerals leasing through the Minerals Leasing Act of 1920, as amended, and the Geothermal Steam Act of 1970. All public land is open to leasing unless a specific order has been issued to withdraw an area from leasing. Under the Federal Land Policy and Management Act of 1976 (FLPMA) and its implementing regulations, BLM has the responsibility to develop, maintain, and when appropriate, revise land plans that provide for management of public land based on the principles of multiple use and sustained yield. Adequate protection can be afforded by the Proposed Plan (Alternative A modified) in this PRMPA/FEIS.

Regarding roads, as stated in Appendix B - Surface Use and Best Management Practices, BLM encourages the use of existing roads to the maximum extent practical and minimize new roads in unroaded areas. Where new roads are needed, construction, maintenance, rehabilitation, abandonment, and closure of the roads on public land will be in accordance with the BLM New Mexico State Office Road Policy, Standards and Procedures (Instruction Memorandum No. NM-95-031).

Regarding utility rights-of-way, as stated in Appendix B - Surface Use and Best Management Practices, BLM encourages developers to locate pipelines along existing linear facilities (other pipelines or roads) to the maximum extent possible and to minimize pipelines crossing undisturbed areas.

B See response to Comment B, Letter 23.

C See response to Comment A, Letter 23 (second paragraph). Also, see the stipulation for special status species habitat in Appendix D of this PRMPA/FEIS.

New Mexico Bureau of Mines & Mineral Resources
A DIVISION OF
NEW MEXICO INSTITUTE OF MINING & TECHNOLOGY
801 Leroy Place
Socorro, NM 87801-4796

Information: 505-835-5420
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E-mail: bureau@gis.nmt.edu
http://geoinfo@nmt.edu/

March 27, 2001

Mr. Tom Phillips, RMPA/EIS Team Leader
U.S. Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Dear Mr. Phillips:

This letter contains comments on the Draft Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS) for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties. My comments are centered on four main points.

A

1. **Oil and gas potential.** The Draft RMPA and EIS document rate the area as having low to medium potential for oil and gas occurrences. I strongly believe that the area should be rated at a medium to high potential. The investigation by the New Mexico Bureau of Mines and Mineral Resources on the oil, gas and mineral potential of the U.S. Army McGregor Range (located within the RMPA/EIS area) indicated that thermally mature petroleum source rocks, excellent reservoirs, and favorable trapping mechanisms all exist within the Otero Mesa area. The discovery of gas within the Mississippian section by the HEYCO No. 1Y Bennett Ranch well in 1997 indicates that hydrocarbon traps remain intact in this region. The area for several miles around the HEYCO discovery should be given a high oil and gas potential and most of the rest of the area covered by the RMPA should be assigned a medium potential for oil and gas. The Bennett Ranch well, having flowed gas at a rate in excess of 4 million ft^3 per day is an excellent indication of the economic viability of resources.
2. **Drilling of horizontal vs. vertical wells.** In frontier exploration areas such as Sierra and Otero Counties, exploration and initial development must be accomplished through the drilling of vertical, and not horizontal, wells. The reason for this is quite clear. There are numerous potential pay zones in the lower, middle, and upper Paleozoic sections throughout the RMPA area. A horizontal well can not adequately evaluate and test any potential pay zone except for the single zone it is intended for. The need to evaluate all potential pay zones is essential in the early development of any basin when it remains unknown which potential pays are most likely to yield economic production. Although horizontal wells may be preferable in the development of some zones as the basin matures, the drilling of vertical wells will remain necessary throughout the exploration and development life of any basin.

A See response to Comment A, Letter 22.

Within the mature Permian Basin to the east of Otero and Sierra Counties, many oil and gas pools in recent years have been developed via the drilling of vertical wells. Discoveries are often made in secondary targets and not in the main target zone. One of the exploratory advantages of a multipay basin is that a single well can evaluate several formations on a structure. If only horizontal wells can be drilled, then several wells will be needed to thoroughly and completely evaluate a multipay prospect.

B

3. **The policies and regulations in the RMPA and EIS will have an impact on non-federal lands as well as federal lands.** If federal lands are not developed and produced because of limitations imposed by the RMPA and EIS, then interspersed state (New Mexico) and private lands will also not likely be developed. The state will therefore not receive royalty payments that would result if economic production were established. In addition, New Mexico receives significant tax income from production on all lands within its borders, whether state, federal, or private. These revenues represent major contributions to the economy of the state.
4. **Infrastructure development.** The present exploration play in Otero County extends southward across the state line into Texas. On the Texas side, the lands are mostly owned by the Texas University Lands system. University Lands has actively encouraged and promoted leasing, exploration, and development on the Texas side of the play. Should actual gas and/or oil production occur in Texas first, then most of the associated oilfield infrastructure will be located in Texas, even though the first gas discovery was in New Mexico. This infrastructure will include oilfield service operations and will yield employment and other economic development which could benefit the economy of rural south-central New Mexico.

I urge you to consider the above-mentioned comments in your management of federal fluid minerals leasing, development, and production in Sierra and Otero Counties.

Sincerely,

Ronald F. Broadhead
Associate Director, Principal Senior Petroleum Geologist

Xc: Peter A Scholle, Director and State Geologist
Stephen A. Traver, Congressman Skeen's office

B

BLM recognizes that if Federal land is not developed because of limitations imposed by BLM, then interspersed state and private lands may not be developed. However, the Proposed Plan in the PRMPA/FEIS is less restrictive regarding location of well sites.

WESTSOURCE Corporation

March 26, 2001

Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Re: October 2000 Draft RMPA/EIS for Fluid Minerals in Sierra and Otero

Dear Mr. Phillips:

The above referenced study is being completed because of potential new natural gas reserves having been discovered in southern Otero County. At the same time, America is experiencing the highest natural gas costs in the history of our country. It is experiencing rolling blackouts due to fuel/electricity shortages. With these national issues adversely impacting citizens across our nation, I ask that this study be completed expeditiously.

The staff at the Bureau of Land Management District Office in Las Cruces has the unique opportunity to improve availability of natural gas in an environment of excessive natural gas costs for all citizens in our country. Please promptly take advantage of that opportunity.

Sincerely,

Michael Shyne, President
Westsource Corporation

MS:rc

cc: Senator Pete Domenici
Senator Jeff Bingaman
Representative Joe Skeen
Otero County Commission
Alamogordo City Commission

500 Tenth Street, Suite 301 • P. O. Box 1705, Alamogordo, NM 88311-1705
(505) 437-0220 • Fax (505) 437-0042

WESTSOURCE Corporation

March 22, 2001

Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Re: October 2000 Draft RMPA/EIS for Fluid Minerals in Sierra and Otero

Dear Mr. Phillips:

A

A large portion of Otero County has been designated by the BLM as undevelopable and off-limits for oil and gas exploration and development due to being within the U.S. Army White Sands Missile Range and Holloman Air Force Base. I understand that this restriction is a result of input received by the BLM from U.S. Army sources, based on their current desire for oil and gas exploration not to take place in this area, as it may be conflictive with current operations, or for other reasons. However, I respectfully request that the Environmental Impact Statement be reworded to clearly state that the restrictions placed on this area are solely Department of Defense restrictions, and that, without these restrictions, this area would be merged with the other areas which are managed by BLM and fall under the purview of the study.

By stating the restriction is a BLM restriction, and not a Department of Defense restriction, it effectively adds another 5-10 years to the time required for the opportunity to develop White Sands Missile Range, in the event the Department of Defense has a change in policy in the future. By this restriction being defined as a BLM restriction, it will require new environmental studies, years of time and at tremendous money expended for these studies.

All of this would be unnecessary if current military areas would be included in the current study, only closed off by Department of Defense restrictions.

500 Tenth Street, Suite 301 • P. O. Box 1705, Alamogordo, NM 88311-1705
(505) 437-0220 • Fax (505) 437-0042

A

Large tracts of public land in Sierra and Otero Counties have been withdrawn from public use for military purposes (e.g., training). For such lands, BLM must obtain consent for leasing in accordance with the Engle Act (43 U.S.C. 158). If the Department of Defense does not concur with leasing, it needs to provide the rationale for such determination. Generally, these installations are closed for security and public safety purposes.

The enabling act to withdraw McGregor Range for military purposes (Public Law 106-65) directed BLM to identify where leasing could occur. The enabling acts to withdraw the other installations did not provide BLM with that authority.

Page 2
March 22, 2001

A (cont.) This is a profoundly important issue to Otero County governments and citizens. I ask that you re-word the restriction to clearly place it at its source, the Department of Defense, without inferring that it is a BLM restriction.

Respectfully submitted,

Michael Shyne, President
Westsource Corporation

MS:rc

cc: Senator Pete Domenici
Senator Jeff Bingaman
Rep. Joe Skeen
Otero County Commission
Alamogordo City Commission

WESTSOURCE Corporation

March 29, 2001

Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Re: October 2000 Draft RMPA/EIS for Fluid Minerals in Sierra and Otero

Dear Mr. Phillips:

A

I understand that one of the factors considered in this study is the potential for petroleum products development within the area evaluated, **as quantified by BLM personnel and contract sources.**

Would you please address why this quantified production potential plays a factor? I understand that one of the purposes for the existence of the Bureau of Land Management is to manage federal real estate for the benefit, economic and otherwise, of America's citizenry. In the event private sources are willing to expend private funds to evaluate the potential oil production, and are also willing to expense private funds for the development of those resources, why should the Bureau of Land Management do anything other than provide assistance and encouragement for that activity, **since the long term economic benefit is not just to the oil producers, but also to the Bureau of Land Management?** Please answer this question.

B

You had previously told me that one of the problems to oil and gas development is that it may not be conducive to other land uses such as grazing. If that is the case, it would therefore be reasonable for the BLM to calculate the percentage of reduced grazing potential posed by oil and gas exploration in that area, and by oil and gas development activities, and require the oil and gas exploring and developing companies to compensate the grazing lessees for that percentage of their loss. The Bureau of Land Management should not receive compensation for their loss since, clearly, the potential for revenue to the BLM from oil and gas development is vastly greater than that of grazing.

500 Tenth Street, Suite 301 • P. O. Box 1705, Alamogordo, NM 88311-1705
(505) 437-0220 • Fax (505) 437-0042

A

The Minerals Leasing Act of 1920, as amended, provides the Secretary of the Interior with authority to issue leases on lands where the mineral rights are held by the Federal government. This authority has been delegated to the BLM State Director. As of 1992, BLM is required to determine (1) which lands overlying Federal fluid minerals are suitable and available for leasing and subsequent development and (2) how those leased lands will be managed. Such determinations are required in every resource management plan prepared by BLM.

See Appendix A of this PRMPA/FEIS for an explanation of the methods for projecting reasonable foreseeable development.

B

BLM evaluates the impacts from actions that BLM considers and, if two uses are determined to be incompatible, a decision is made as to any possible mitigations or adjustments necessary. Under FLPMA, BLM has the responsibility to balance management for multiple use, sustained yield, and development of resources. All public land is open to leasing and development unless a specific order has been issued to withdraw an area from leasing.

Page 2
March 29, 2001

B (cont.) It is my belief that the concept of oil and gas exploration and development being "not conducive" as a co-use for grazing land, is exaggerated. Cattle don't care which side of the gas line they are grazing on. I look forward to your response.

Respectfully submitted,

Michael Shyne, President
Westsource Corporation

MS:rc

cc: Senator Pete Domenici
Senator Jeff Bingaman
Rep. Joe Skeen
Otero County Commission
Alamogordo City Commission

WESTSOURCE Corporation

March 26, 2001

Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Re: October 2000 Draft RMPA/EIS for Fluid Minerals in Sierra and Otero

Dear Mr. Phillips:

A I am deeply concerned with the BLM conclusion, as stated on Page 4-84, that "the surface management constraints imposed by Alternative A are not anticipated to significantly impact the ability to explore for or exploit oil and gas resources". I believe that this conclusion is in error and that the imposition of additional constraints of no surface occupancy and controlled surface use on nearly 60% of the federal lands "open to leasing" will have the affect of killing any efforts by the oil and gas companies to explore, not only on federal lands but in the entire region. I am also concerned with your conclusions regarding the potential for oil and gas in Otero County and the resulting economic effects on our community. I believe that the Tularosa basin in our county is an extension of the Permian Basin with tremendous gas potential. The economic benefits of this potential to our community are staggering and very desirable in a time of economic need.

B I recommend that changes be made to the Draft RMPA to read that the "NO-Action" (current management) alternative specifically state that no additional lease stipulations and/or conditions of approval will be added to the Standard Lease Terms and Conditions in existence prior to the Draft RMPA, I further recommend that the No-Action alternative, **thus amended**, be adopted. Adoption of any other plan alternative should not be made without a redraft that includes Otero County and the City of Alamogordo as part of the process.

Respectfully submitted,

Michael Shyne, President
Westsource Corporation

MS:rc

cc: Senator Pete Domenici
Senator Jeff Bingaman
Rep. Joe Skeen
Otero County Commission
Alamogordo City Commission

500 Tenth Street, Suite 301 • P. O. Box 1705, Alamogordo, NM 88311-1705
(505) 437-0220 • Fax (505) 437-0042

A Based on public comment on the Draft RMPA/EIS, BLM has conducted further analysis. BLM re-evaluated the use of the NSO stipulation and has developed a stipulation to control surface use by limiting industry s disturbance to no more than 5 percent of the leasehold at any one time and requiring the new leases to form exploratory units prior to commencing drilling activity. This would allow industry to achieve the RFD with less restriction while providing adequate resource protection.

The sections relating to Social and Economic Conditions in Chapters 3 and 4 in the Draft RMPA/EIS adequately address the issues for this programmatic document.

B See response to Comment A, Letter 2.

RMPA/EIS
FOR FEDERAL FLUID MINERALS LEASING
AND DEVELOPMENT IN SIERRA AND OTERO COUNTIES

U.S. Department of the Interior • Bureau of Land Mangement • Las Cruces Field Office

COMMENTS

Public Hearings

April 3, 4, and 5, 2001

LEAVE COMMENTS AT REGISTRATION TABLE OR MAIL THEM

Comments, including names and street addresses of respondents will be available for public review at the BLM Las Cruces Field Office during regular business hours (7:45 a.m. to 4:30 p.m.) Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Name/Organization (Please Print) Stephen Verchinski

Address: 2700 Espanola NE, Albuq. NM **Zip Code:** 87110

A **Comments:** Energy Conservation Nationally Should Be In A Programmatic E.I.S.

Add Additional Pages as Needed

Signature: S Verchinski

Fold this form (leaving the address and postage exposed) and tape or staple the edges together before mailing. No postage required. **Thank you for your comments!**

A Energy conservation nationally is beyond the scope of this land use planning document.

MARIANNE H. THAELER
2015 Huntington Dr.
Las Cruces, New Mexico 88011-4931

April 2, 2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
1800 Marquess
Las Cruces, New Mexico 88005

Re: Comments to Draft Resource Management Plan and Environmental Impact Statement for oil, gas and geothermal resources in Sierra and Otero Counties

Dear Tom Phillips,

As one who had hiked, camped and led field trips in areas throughout Sierra and Otero Counties, including but not limited to ACECs, WSAs, Alkali Flats, and the Sacramento Escarpment, I appreciate the opportunity to present Comments to Draft Resource Management Plan and Environmental Impact Statement for oil, gas and geothermal resources in Sierra and Otero Counties.

I appreciate the environmental concerns addressed in the Alternative A. But, Alternative B provides more protection for the special areas, and I herein therefore, wish to support Alternative B.

A Alternative A has a loophole. As I understand "maxium use of exiting roads and/or other utility corridors", it allows for mis-interpretation of your intent. Therefore, I wish to suggest that new road construction be specifically **prevented** in the ACECs, nominated ACECs, WSAs, potential WSAs, and essential habitat for all Special Status Species. BLM should also have the discretion to close these areas.

B Appeals and court actions throughout the country have been brought to protect riparian areas, wetlands, and playas. Therefore, I believe it would be prudent to establish - no surface occupancy within a half mile of riparian areas, wetlands, and playas. This, I believe, is an acceptable standard for all parties.

A Road construction is prohibited in the ACECs and WSAs. The nominated ACECs would be discretionarily closed in the Proposed Plan described in this PRMPA/FEIS, which means that no roads would be constructed in those areas. No potential WSAs have been proposed. Adequate protection is afforded by imposing a stipulation to control surface use. See the stipulation for special status species habitat in Appendix D of this PRMPA/FEIS.

B See response to Comment B, Letter 23.

C Of particular concern to me are the remnant patches of grasslands. No waivers or exceptions should be made to the No Surface Occupancy stipulations. Surface use should be limited to 492 feet of existing roads. This distance would be helpful in avoiding future use conflicts.

D BLM should also be allowed the discretion to close all Visual Resource Management Class II Areas, and VRM limited areas.

Thank you for the opportunity to present Comments.

Sincerely,

Marianne H. Thaeler

Marianne H. Thaeler
2015 Huntington Dr.
Las Cruces, New Mexico 88011-4931
505-522-3421

D See response to Comment C, Letter 23.

E See response to Comment D, Letter 23.

First Federal Bank

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Las Cruces Main
1800 South Telshor Blvd.
Las Cruces, NM 88011
(505) 522-2664
In State 1-800-432-4412

Ruidoso
398 Sudderth
Ruidoso, NM 88345
(505) 257-4006

Alamogordo
300 E. First
Alamogordo, NM 88310
(505) 439-0011

Albuquerque
6700 Jefferson NE
Building C
Albuquerque, NM 87109
(505) 341-3240

El Paso, Texas
2290 Trawood Dr.
El Paso, TX 79935-3020
(915) 594-0681

April 6, 2001

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Dear Mr. Phillips:

Subject: October 2000 Draft RMPA/EIS for Fluid Minerals in Sierra & Otero Counties

A As a second generation native of Otero County, I am concerned about the October 2000 Draft RMPA/EIS for fluid minerals in Sierra and Otero Counties. Having traveled and enjoyed the public lands in southern Otero County and after having a first hand knowledge of the sparse terrain and habitat of much of the area, I see no reason for the Bureau of Land Management to restrict surface occupancy of this area for oil and gas production. Much of this area has little or no traffic except for the BLM and military personnel. It appears that this document has been designed to only further limit the assets of Otero County for the use of government officials and not the population as a whole.

B As a business owner and property tax payer, I am also concerned about the loss of potential oil and gas revenues in our county and the resulting economic effects on our community. I would recommend that changes be made to the Draft RMPA to read that the "No Action" (current management) alternative specifically state that no additional lease stipulations and /or conditions of approval will be added to the Standard Lease Terms and Conditions in existence prior to the Draft RMPA.

C Also, please add my name and address to the mailing list so that I might be kept up to date on any further actions concerning this Draft.

Respectfully,

Aubrey L. Dunn, Jr.

Where You Save Does Make A Difference

A See response to Comment A, Letter 9.

B See response to comment A, Letter 2.

C Your name and address are on the project mailing list to receive information regarding this RMPA/EIS in the future.

April 8, 2001

Tom Phillips, RMPA/EIS Team Leader
BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips;

A I have reviewed the Draft Management Plan Amendment and EIS for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties. I live in the middle of an area that will be impacted by actions taken. In fact, Highway 27 is a Scenic By-Way, which will be adversely affected by landscape disturbances and the construction of well pads and associated structures.

B I encourage you to support Alternative B since it provides the most ecological and aesthetic protection for the landscape. I understand that Alternative A has some protections built into it, for that I am grateful. However those protections must be extended as specified in Alternative B. Fluid minerals leasing has negative impacts upon wildlife by dissecting the area with roads, causing erosion, increasing disturbance to wildlife, and destroying and degrading already diminished wildlife habitat.

Although we live in western Sierra County between Deming and Hillsboro and are very concerned about proposals for our area. I am equally concerned about fluid minerals extraction proposals for southern Otero County. This area contains some of the best remaining grasslands in the state, which provide habitat for many declining species.][Of course, all wilderness study areas

C should be avoided and protection from activities that will degrade them or decrease their eligibility for formal wilderness designation.]

D We are sure your technical staff is well versed in the concepts of landscape ecology and conservation biology. Therefore, we want to point out that wildlife habitat is continuing to be fragmented which decrease habitat quality and the ability of an area to support some species (e.g., pronghorn antelope). BLM should make every effort to protect large contiguous blocks of habitat that are not fragmented with well pads, power lines, and roads. Road construction must be minimized. In fact, many existing roads should be eliminated. Roads fragment habitat and increase disturbance on the landscape.

E Finally, the oil and gas industry must be held accountable for all activities on public lands and restore any sites disturbed. They are being provided an opportunity to capitalize on public resources so their profits should ensure the least disturbance, restoration of degraded areas, and clean up after implementation. Past actions b

F Please keep me informed of your decisions regarding this Resource Management Plan. Use your full authorities to carry out your mission and prevent any environmental degradation.

Randy and Anna Gray
HC 66 Box 76
Deming, NM 88030

A As stated in Chapter 1, Section 1.1, This RMPA/EIS is being prepared to meet current requirements of the Federal fluid minerals program and does not initiate ground-disturbing activities. Decisions on all subsequent site-specific, ground-disturbing actions will be tiered from this RMPA/EIS. The EIS identifies the potential impacts that the Proposed Plan for fluid minerals leasing and subsequent activities could have on the environment.

The area to which you refer is generally located where there is low-to-moderate potential for oil and gas and no-to-low potential for geothermal resources. Refer to Maps 3-3 and 3-4.

BLM modified the stipulation for the Lake Valley Backcountry Byway. In the Draft RMPA/EIS, the Byway remained open to leasing but with a stipulation to control surface use. In this PRMPA/FEIS, the Byway remains open to leasing but with a stipulation for NSO within 0.5 mile of either side of the road. For disturbances proposed between 0.5 to 1 mile from either side of the road, operators also may be required to provide mitigation to proposed development activities such as siting facilities to be less visually intrusive where possible, or otherwise provide visual screening.

B See response to Comment B, Letter 1. Adequate protection can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such restrictive measures can be imposed through conditions of approval attached to an APD.

C As stated in Chapter 2, Section 2.2.15, WSAs are nondiscretionarily closed to leasing.

D See response to Comment A, Letter 31.

E Disturbance from extractive activities is inevitable. However, reduction of the effects from disturbance is accomplished by (1) avoiding a certain action or parts of an action, (2) employing certain construction measures to limit the degree of the impact, (3) restoring an area to preconstruction conditions, (4) preserving or maintaining an area throughout the life of a project, or (5) replacing or providing substitute resources to the environment (see Mitigation in Glossary). Appendix B - Surface Use and Best Management Practices, describes the various types of practices that are designed to minimize surface disturbance and effects on resources. The practices represent effective and practical means of accomplishing land and resource management goals and objectives, and are used as a guide when preparing plans and details that are specific to individual projects.

As stated in this PRMPA/FEIS, Appendix B - Surface Use and Best Management Practices, A reclamation plan will be part of the SUPO [Surface Use Plan of Operation]. Reclamation will be required for any surface disturbed that is not needed for continued operations (producing and abandoned well sites). Additional reclamation measures may be required based on the conditions existing at the time of abandonment, and included as part of the conditions of approval of the Notice of Intent to Abandon. Refer to this section for additional information about reclamation and abandonment.

F Your name and address are on the mailing list to receive information regarding this RMPA/EIS in the future.

4/8/01

Dear Sir,

I have become concerned and wish to comment on the Bureau of Land Managements (BLM) Draft Resource Management Plan Amendment and the Environmental Impact Stmt (RMPA/EIS) for fluid minerals leasing and development in the Sierra and Otero Counties. The statement has brought to my attention that the area to be drilled contains some of the best remnant grasslands remaining in the entire state of which we live and of which supports many many species like falcons, hawks, bobcats, and those really neat looking pronghorn sheep. I understand that drilling of this area is necessary. Yet it is not necessary to destroy it by doing so. It is true that Alternative A plan will get the job done, but it's also true that plan A takes no measures, or very few, that conserve the environment around it. Plan A will destroy the area, kill off thousands of animals, and turn it into an ugly wasteland. Alternative B on the other hand will also get the job done, and because of its built in preventative & protective measurements, the area may still retain much of its beauty and naturalness. I don't see how in good conscience, sir, one can choose Alt. A over Alt. B knowing in their hearts that one way takes care of the earth while the other way will blatantly destroy it! Please help us in investing in earth friendly projects, because you know and I know that the earth gets destroyed little by little. Please Alt. B gets the job done all the same, so for you, for me, and for our children, choose Alternative B.

Sincerely, Connie Agnew

A

A Adequate protection can be afforded by the Proposed Plan (Alternative A modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such restrictive measures can be imposed through conditions of approval attached to an APD.

P. O. Box 21532
Albuquerque, NM 87154-1532
April 9, 2001

Mr. Tom Phillips, RMPA/EIS Teamleader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

This is concerning the Bureau of Land Management's *Draft Resource Management Plan Amendment* and environmental impact statement in Sierra and Otero Counties.

As you are aware, this area is facing development by the oil and gas industry. I am concerned about protective measures allowing for restrictive leasing and surface occupancy not being adhered to by the oil and gas industry. The developers support a "No Action Alternative" which does not allow for environmental protection.

A Specific concerns are the environmentally sensitive nature of the habitats of the Otero Mesa and Nutt Desert grassland. If these areas are not protected, many species face danger. This area is crucial for migration between other expanses of public land.

I would encourage the BLM to adopt a more environmentally sensitive policy that would prevent further habitat degradation.

Thank you for your consideration of my concerns.

Sincerely yours,

Mark G. Cattanach

Mark G. Cattanach

A See response to Comment A, Letter 41.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733
April 06, 2001

Mr. Tom Phillips
RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA, the Region 6 Office of the U.S. Environmental Protection Agency (EPA) has completed the review of the Draft Environmental Impact Statement (DEIS) prepared by the Bureau of Land Management for Federal Fluid Mineral Leasing and Development in Sierra and Otero Counties, New Mexico.

EPA classifies your Draft EIS and proposed action as "LO," i.e., EPA has "Lack of Objections to the preferred alternative, Alterntive A. EPA has suggested additional information be included to strengthen the FEIS ". Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act, to inform the public of our views on proposed Federal actions.

Comments on the Draft EIS have been prepared and are enclosed with this letter for your consideration in preparation of the Final EIS. If you should have any questions, please contact me at (214) 665-7451.

A We appreciate the opportunity to review the Draft EIS. We request that you send our office one (1) copy of the Final EIS at the same time that it is sent to the Office of Federal Activities (2251A), EPA, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044.

Sincerely yours,

Michael P. Jansky, P.E.
Regional EIS Coordinator

Enclosure

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 25% Postconsumer)

A A copy of the PRMPA/FEIS has been sent to EPA.

Detailed Comments
Draft Resource Management Plan Amendment and
Environmental Impact Statement (EIS) for
Federal Fluid Minerals Leasing and Development
in Sierra and Otero Counties, New Mexico

Background

The Las Cruces Field Office of the Bureau of Land Management (BLM) has prepared a Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS) to address Federal fluid minerals, (oil, gas, and geothermal) leasing in Sierra and Otero Counties in south-central New Mexico (referred to as the Planning Area).

The Minerals Leasing Act of 1920, as amended, provides the Secretary of the Interior with authority to issue leases on lands where the mineral rights are held by the Federal government. This authority has been delegated to the BLM State Director. As of 1992, the BLM is required to determine (1) which lands overlying Federal fluid minerals are suitable and available for leasing and subsequent development and (2) how those leased lands will be managed. The objective of the RMPA is to fulfill these requirements.

The Draft EIS (DEIS) identifies the potential impacts that alternatives for fluid minerals leasing and subsequent activities could have on the environment and identify appropriate measures to mitigate those impacts. The primary purpose of the DEIS is to analyze and document the direct, indirect, and cumulative impacts of reasonably foreseeable future actions resulting from Federally authorized fluid minerals activities. By law, these impacts must be analyzed before an agency makes an irreversible commitment of resources.

Alternatives

The DEIS identifies the alternatives evaluated and the potential impacts and benefits identified in the document for each alternative. The three alternatives considered in this RMPA/EIS are (1) No-action Alternative (Existing Management), (2) Alternative A, and (3) Alternative B. The reasonable foreseeable fluid minerals development and associated amount of surface disturbance predicted for the Planning Area over the next 20 years remains the same for each alternative.

No Action Alternative

For this alternative, existing decisions and policy would remain in effect. Leasing and development of fluid minerals would continue as specified in the existing RMP and RMPAs for this area. The BLM would continue to implement standard lease terms and conditions to conduct operations in a manner that would minimize adverse impacts on resources, land uses, and users. Lease issuance and development of leases would continue to be considered on a case-by-case basis.

2

Preferred Alternative-Alternative A

The objective of Alternative A is to modify the existing management situation to respond to legislative or regulatory requirements and/or management objectives that otherwise would be achieved on a case-by-case basis under the No-action Alternative (existing management). In doing so, the major issues addressed include potential soil erosion, increasing protection of cultural resources sites, increasing protection of desert grassland habitat from fragmentation, and increasing protection of special status species and visual resources.

Alternative B

Alternative B would accomplish the same objectives as Alternative A, but would provide a relatively greater emphasis on resource protection by imposing more constraints on fluid minerals leasing and development. As with the other alternatives, development of existing leases would continue according to the terms of the lease. The BLM would consult with the lessees to implement management constraints on existing leases or require protective measures as conditions of approval of Applications for Permit to Drill (APDs).

Comments on the DEIS

Overall, this is a good document. The document is generally well written and free from errors. The editors did a good job in making the document read seamlessly. Items germane to the document were generally easy to find. The preferred alternative, Alternative A, covers most of the concerns expressed by affected parties. Alternative A is potentially much more restrictive than the existing resource management plan, No Action, as it appears to consistently restrict activities (or require BMPs) in sensitive areas. From an environmental resource protection perspective, this is good.

B A description of the content of an application to drill (APD) was apparently not included in the document. While several references were made to the fact that potential permittees would conduct studies prior to receiving a permit, what those studies might entail was not discussed. To strengthen the Final EIS, the document should be more clear on the process of awarding leases, including public participation commitments and requirements.

B Draft RMPA/EIS Appendix B-I, page B-I-9 provides a description of the APD process. The lease-issuing process is addressed in the Draft RMPA/EIS Appendix A-II. While there are no specific commitments or requirements for public involvement associated with lease issuing, BLM is conducting this RMPA/EIS to comply with current BLM policy and guidance to determine which public land and fluid minerals within Sierra and Otero Counties should be made available for fluid minerals development through leasing, and how the available land and its resources should be managed. The NEPA process provides the avenue for public involvement.

Tom Phillips, RMPA/EIS Team Leader
BLM
Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

April 11, 2001

Dear Mr Phillips,

I am very concerned about what happens to our public lands and relative to the Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties. [I encourage you to support ALTERNATIVE B because of it provides the most ecological and aethetic protection of the landscape. While Alternative A provides some protections I feel that the extended protections outlined in Alternative B are very important as they will provide the most protection of the landscape and the least disturbance to our wildlife.] [The BLM should make every effort to protect large blocks of habitat and should not allow fragmentation of this land with roads and well pads and powerlines. Road construction must be minimized. Any determination of the presence of and "existing road" using satelite imaging must be verified in the field.] [Further there should be strictly monitore and enforced reclamation requiarements for all disturbed land in the area.] [There should be no surface occupancy or road construction within 0.5 mile of Riparian areas, wetlands or Playas.]

Again I strongly encourage you to support Alternative B to prevent any environmental degradation. Please keep me informed of your decisions on this Resource Management Plan.

Sincerely,

M. Holzwarth
HC 66 Box 75A
Deming NM 88030

A B C D

A See response to Comment A, Letter 31. Regarding the use of satellite imagery, satellite imagery is the best, accurate data available for use in a large-scale planning effort such as this. BLM used SPOT 10-meter Panchromatic imagery for this analysis. Roads, as well as other facilities, are reviewed on the ground in response to an APD to determine the potential impacts and appropriate mitigation.

B See response to Comment E, Letter 40.

C See response to Comment B, Letter 23.

D Your name and address are on the project mailing list to receive information on this RMPA/EIS in the future.

Tom Phillips, RMPA/EIS Team Leader
BLM
Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

April 11, 2001

Dear Mr Phillips,

I am very concerned about what happens to our public lands and relative to the Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties. [I encourage you to support ALTERNATIVE B because of it provides the most ecological and aethetic protection of the landscape. While Alternative A provides some protections I feel that the extended protections outlined in Alternative B are very important as they will provide the most protection of the landscape and the least disturbance to our wildlife.] [The BLM should make every effort to protect large blocks of habitat and should not allow fragmentation of this land with roads and well pads and powerlines. Road construction must be minimized. Any determination of the presence of and "existing road" using satelite imaging must be verified in the field][Further there should be strictly monitore and enforced reclamation requiarements for all disturbed land in the area.] [There should be no surface occupancy or road construction within 0.5 mile of Riparian areas, wetlands or Playas.]

Again I strongly encourage you to support Alternative B to prevent any environmental degradation. Please keep me informed of your decisions on this Resource Management Plan.

Sincerely,

Lloyd Barr

Lloyd Barr
HC 66 Box 75A
Deming NM 88030

A [See response to Comment A, Letter 31.

B [See response to Comment E, Letter 40.

C [See response to Comment B, Letter 23.

D [Your name and address are on the project mailing list to receive information on this RMPA/EIS in the future.

Alamos, Sonora, Mexico

I am writing to encourage you to support Alternative B for Otero Mesa.

A I hope you will support No Surface Occupancy or road construction within 1/2 mile of all riparian areas, wetlands & playas. thank you.

Galería de Arte
(on the Plaza)

ALBUQUERQUE NM 87102
PM
APR
2001

20¢

TOM Phillips, EIS Team Leader
BLM - Las Cruces Office
1800 Marquess St.
Las Cruces,
NM
88005

PHOTO - LADLEY

A See response to Comment B, Letter 23.

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DIANA LYON - ARTIST

LAS CRUCES NM
PM
2003

April 13, 01

Dear Mr. Phillips,

Please protect Otero Mesa for ourselves and our fauna. Support Alternative B at the very least and require reclamation and restrictions on road-building. We all must hold the line on creeping degradation of our few wild places.

Very Truly yours, Alice Peden

Las Cruces, NM 88005

D. LYON ENT., P.O. BOX 217, T OR C, NM 87901

USA 22

Tom Phillips
EIS Team Leader
BLM-Las Cruces Office
1800 Marquess St.,
Las Cruces, NM
88005

April 16, '01

To Tom Phillips,

I am concerned about your considering opening the fragile Otero Mesa to oil and gas exploration.

It is one of New Mexico's last remaining natural grassland, supporting Pronghorn, Aplomado falcons, Ferruginous hawks, and mountain Plovers. This potential wilderness area must be protected.

I support alternative B which better protects Otero Mesa.

A All disturbed land must be reclaimed to a natural state.

B "Existing roads" must be determined in the field, not just by satellite imaging.

C No road of any kind should be constructed within a half mile (preferably more) of riparian areas, wetlands, or playas.

Thank you for seriously considering this alternative.

Sincerely,
Jan Wright
P.O. Box 32
Coyote, NM 87012

A See response to Comment E, Letter 40.

B See response to Comment A, Letter 44.

C See response to Comment B, Letter 23.

April 14, 2001

Dear Mr. Phillips,

The Otero Mesa is one of New Mexico's last remaining grasslands and because of the wildlife it supports should not be the site of gas and oil drilling.

Select Alternative B of the EIS possibilities, the choice that best protects this irreplaceable area.

Yours truly,
Lynn Olson

14 April 2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Dear Tom:

Thank you for this opportunity to comment on your Draft Resource Management Plan and Environmental Impact Statement for Federal Leasing and Development in Sierra and Otero Counties. The best plan you present is alternative B however I would like to emphasize a few points below.

I have visited the Nutt grasslands and Otero Mesa for many years and have conducted raptor surveys in both areas for the past few years. Both of these areas represent some of our best grassland with a rich flora and avian fauna. The more these areas are disturbed the closer we come to losing them. There has already been a great deal of cumulative effects in these areas so future impacts must be carefully regulated. Further impacts will only make the serious fragmentation of the habitat even worse.

A Your "150 meter on either side of existing roads" rule should be strictly adhered to. The problem with this rule is what is an existing road? If you are going set up a rule to comply with existing roads you should define and identify all existing roads in these areas before any permission is given. This would make it clear to everyone what can and can not be done.

B There are several nominated and designated Areas Critical of Environmental Concern(ACEC) and Research Natural Areas(RNA) in these areas. These protected areas are important but are far too small to be of real biological significance. All biological research indicates that to effectively protect these ecological types the areas must be orders of magnitude larger that those that have been designated. In any case, all of these areas, both nominated and designated should be off limits to this kind of surface occupancy.

C Any disturbance permitted in either of these areas should be strictly monitored and any reclamation requirements should be strictly enforced.

Sincerely,

Robert Tafanelli

Robert Tafanelli

A See response to Comment C , Letter 23.

B There are six ACECs, which are discretionarily closed to leasing. No Resource Natural Areas have been designated nor recommended within BLM s Decision Area. There are eight nominated ACECs. BLM has re-evaluated the stipulation to control surface use for nominated ACECs and modified it to discretionary closure in this PRMPA/EIS to provide more protection to these areas.

C See response to Comment E, Letter 40.

PERMITS WEST, INC.
PROVIDING PERMITS for LAND USERS
37 Vereda Loop Santa Fe, New Mexico 87505 (505) 466-8120

April 13, 2001

Tom Phillips, RMPA/EIS Team Leader
BLM - Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

My comments on the Draft RMPA/EIS for Federal Fluid Minerals Leasing ...

A Page S-4: Define disturbance. It appears all disturbance is treated the same. I do not think it is appropriate to treat a one time passage by a seismic truck over an unbladed way the same as a bladed well site.

B Page S-5: Increasing water demand "twofold" is too high given the limited water use projected.

C Page S-15: No surface occupancy within 400 meters of riparian zones, wetlands, and playas is excessive. A mile long 1" wide riparian zone will close 315 acres. Occupancy within any such zone should follow US Army Corps of Engineers policy which will allow occupancy with appropriate mitigation. Disturbance in a riparian zone can be beneficial (e.g., removing salt cedar).

D Page 1-8: Will the "Monitoring and Evaluation" include annual public summaries? This is important to allow sufficient lead time for a second RMPA/EIS if it becomes necessary][Will successful reclamation be credited against the maximum allowable disturbed acreage?

E Page 4-3: The document must state the exact number and type of wells or disturbance is subject to change, but the acreage will not be exceeded.

F Page A-IV-11: Do the 5,000 miles of seismic lines include source and receiver lines? A mile of receiver lines laid and collected on foot does not have the same impact as a mile of source line used by vehicles.

G Please provide me a copy of the final document.

Sincerely,

Brian Wood

cc: NMOGA

A BLM recognizes that the disturbance created from geophysical exploration is very temporary and typically is minimally intrusive on the environment. Therefore, the number of miles/acres (5,000) that were included as part of the RFD scenario have been removed from the RFD.

B The statement on the Draft RMPA/EIS page S-5 has been revised.

C BLM does not agree that the buffer of 0.25 mile imposed by the Proposed Plan in this RMPA/EIS is excessive.

D There is no current provision for annual public summaries; however, plans (including the amendments) are reviewed and evaluated every five years to assess the continued adequacy and effects of implementation of decisions.

E For purpose of clarification, maximum allowable disturbed acreage was not prescribed for determining the potential impacts on the environment. Rather, the estimate of disturbed acres you see in PRMPA/FEIS Chapter 4, Table 4-1, is a projection of the actions that may likely occur and is used to predict potential impacts on the environment for the purposes of the EIS.

Successful reclamation is accounted for in the assessment of impacts. Short-term impacts are those changes to the environment during development or construction activities that generally would revert to preconstruction conditions at or within a few years of the end of construction. Long-term impacts are those that would substantially remain for the life of the project and beyond (20 to 30 years). The reasonable foreseeable development scenario, as described in PRMPA/FEIS Chapter 4, Section 4.1.2, is an estimate of 1,589.4 acres of short-term disturbance and 861.8 acres of long-term disturbance; the difference, 727.6 acres, is attributed to reclamation.

F See response to Comment A above.

G Your name and address are on the project mailing list to receive information regarding this RMPA/EIS in the future.

Your Community Voice in the Carson

Carson Forest Watch
Box 15 Llano, NM • 87543 • 505-587-2848

Re: Otero Mesa - Protection

April 15, 2001

Tom Phillips - BLM - Las Cruces District
1800 Marquess St.
LC, NM 88005

Dear Mr. Phillips,
On behalf of our citizen's group, I am writing to urge the BLM to strengthen Otero Mesa protection measures in the proposed alternative for the E.I.S.:

1) We support Alt. B - this special area needs the highest protection alternative.

A 2) All disturbed areas require reclamation standards & monitoring.

B 3) All existing roads must be site verified.

C 4) There should be a 5 mile riparian area (intermittent) buffer - no road construction, surface occupancy, etc.

Thank you.

Sincerely,
Joanie Bonde
for CFW citizen's group
(member WildLife watch in this area)

In memoriam and appreciation of a great writer and great soul.

"Nothing is simple and alone. We are not separate and alone. The breathing mountains, the living stones, each blade of grass, the clouds, the rain, each star, the beasts, the birds and the invisible spirits of the air—we are all one, indivisible. Nothing that any of us does but affects us all."

Frank Waters
The Man Who Killed the Deer

A [See response to Comment E, Letter 40.

B [See response to Comment A, Letter 44.

C [See response to Comment B, Letter 23.

Wildlife Management Institute

Len H. Carpenter, Field Representative
4015 Cheney Drive • Fort Collins, Colorado 80526
Phone (970) 223-1099 • Fax (970) 204-9198
E-mail: lenc@verinet.com

ROLLIN D. SPARROWE
President
RICHARD E. McCABE
Vice-President

April 5, 2001

Tom Phillips
RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear

I am the Southwest Field Representative for the Wildlife Management Institute. The Institute is a private, nonprofit, scientific and educational organization founded in 1911 and dedicated to the restoration, conservation, and sound management of natural resources, especially wildlife, in North America. Following are my comments on the draft Resource management Plan Amendment and EIS for Federal Fluid Minerals Leasing and Development in Sierra and Otero, New Mexico Counties.

A First, I compliment preparers of this document for its organization and detailed presentations. However, I am concerned about lack of detailed monitoring data on status of the various wildlife species in this area. Most of the discussion on impacts to wildlife and their habitats is based on "presence and absence" type information. It is difficult for me to understand how future impacts of the proposed actions can be assessed, when so little is known about status today. Little attention is given to the need for monitoring activities in this document. I fully understand the costs (both fiscal and human) associated with monitoring efforts, but I strongly urge you to address this need in the FEIS.

The huge cost to the American taxpayer from listed species is a major concern today. Given that there are 10, Federally listed threatened and endangered species and 45 other special status species known to occur on public lands in the planning area I am concerned that the preferred alternative chosen is Alternative A. It would seem that the Bureau should be taking all steps feasible on public lands to prevent further Federal listings and the associated hardships that

Washington, DC Office: 1101 14th Street, NW • Suite 801 • Washington, DC 20005 • Phone (202) 371-1808 • FAX (202) 408-5059

A As stated in PRMPA/FEIS Chapter 1, Section 1.1, the purpose of this document is meet current requirements of the Federal fluid minerals program. The RMPA will identify which lands under BLM jurisdiction should be made available for development through leasing, and what requirements are needed to manage those lands. The EIS identifies the potential impacts the RMPA could have on the environment and identify appropriate measures to mitigate those impacts. The analyses completed for this planning effort incorporated best available data.

It is not possible to determine monitoring efforts in this document since specific projects are not identified. However, when a surface-disturbing activity at a specific site is proposed (e.g., when an APD or field development plan is submitted), the BLM would determine the potential impacts associated with the proposed action and methods of mitigating those impacts, which may include monitoring.

2

A (cont.) accompany such listings. Why not endorse Alternative B, which is the Alternative providing the most resource protection considerations? The Bureau of Land Management is on record that it is going to take necessary steps to prevent further listings of plant and animal species that occur on public lands. It seems that the time is right for the right and left land of the Bureau to get together on this desire. The FEIS must address this conundrum of philosophy and policy.

B I also question the decision to manage designated habitat areas and special status species areas as open to leasing, with stipulations of controlled surface use. Given that more than 99% of the total area is essentially open to leasing with little constraints under existing management and Alternative A, why not manage these habitat areas and special status areas with greater stipulations (i.e. no leasing)? It is revealed that under Alternative B, about 14 percent of the total area would be discretionarily closed to leasing. This seems like a small price to pay to help prevent further listing needs. It is stated on page 2-30 that alternative B provides for greater protection of resource concerns. Please reconsider adopting an Alternative in the FEIS that would limit the acreage open to leasing as compared to current management. It seems to me that certain characteristics listed under Alternative B could be included under Alternative A (preferred Alternative), without impacting mineral leasing greatly.

C It is extremely important that when Resource Management Plans (RMP) are amended, that a look to the future is a key factor in determining what changes are needed. What are the desired future conditions of these valuable public lands? Will the proposed management decisions lead to achievement of those conditions? RMPs must address this concern. That is the professional responsibility of all employees of the Bureau. Long-term land stewardship must be the founding principle of these RMPs. The chosen alternative in this document will go a long way in meeting that principle. Please choose this alternative carefully.

D Thanks for the opportunity for comment. Please be sure that I receive the FEIS when completed.

Sincerely,

Len H. Carpenter

Len H. Carpenter

cc:
R. Sparrowe, WMI

B BLM is required to impose the least restrictive constraints needed to provide adequate resource protection while allowing for other uses. Adequate protection can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such restrictive measures can be imposed through conditions of approval attached to an APD.

C The desired future condition of the environment was an integral consideration in developing the alternatives for the RMPA. BLM must balance management for protection and enhancement of resources along with management for multiple use, sustained yield, and development of resources in accordance with FLPMA.

D Your name and address are on the project mailing list to receive information on this RMPA/EIS in the future.

Letter 54

4/13/01

Dear Mr. Phillips -

I am writing to you to encourage your support for Alternative "B" on the Otero Mesa question. I think this tract is a unique unspoiled remnant of what much of Southern New Mexico once had and as such it deserves protection. Thank you for your consideration on this important topic.

Sincerely,
Mike Goss
1730 Georgia
Silver City, NM
88061
505 388 8183

Letter 55

JOE JOLLY
3604 TORREY PINES
RIO RANCHO NM 87124

4/13/01

Tom:

I support alternative B which, seems to me, will provide better protection for Otero Mesa.

I hope you will help those of us who feel this way.

Joe Jolly

4-15-01

Mr. Phillips:

[I would like to comment, on Otero Mesa. I support Alternative B]. [There should be strictly monitored and enforced reclamation requirements for all disturbed land in the area]. [Any determination of the presence of an "existing road" using satellite imagery must be verified in the field]. [No Surface Occupancy or road construction within .5 miles of riparian areas, wetlands or Playas.]

A
B
C

Ed Nesselroad
Ed Nesselroad
14325 Hwy. 549 SE
Deming NM 88030

A [See response to Comment E, Letter 40.

B [See response to Comment A, Letter 44.

C [See response to Comment B, Letter 23.

April 15, 2001
Re: Otero Mesa

I support Alternative B.

A Strictly monitored and enforced reclamation requirements for all disturbed land in the area.

B No surface occupancy or road construction within 1/2 mile of Riparian areas, Playas or Wetlands.

Patricia K. Jansen
14325 Hwy. 549 SE
Deming NM 88030

A See response to Comment E, Letter 40.

B See response to Comment B, Letter 23.

April 15, 2001

Mr. Tom Phillips
EIS Team Leader
BLM - Las Cruces Office
1800 Marquess Street
Las Cruces, N.M. 88005

Dear Mr. Phillips,

We understand that the BLM is considering a proposal that could allow continued oil and gas exploration in Otero Mesa. Otero Mesa is one of New Mexico's last remnant grasslands and is a haven for Pronghorn Antelope, Aplomado Falcons, Ferruginous Hawks, Mountain Plover and other animal species. In this light we support Alternative B, which will provide for better protection of Otero Mesa. We also stress that there be strictly monitored and enforces reclamation requirements for all disturbed land in the area, with any determination of the presence of an "existing road" using satellite imagery be verified physically in the field. We also support "no surface occupancy" or road construction within .5 miles of riparian areas, wetlands, or playas. In your official capacity, we implore you to support our position relative to the gas and oil exploration in Otero Mesa.

A
B

Respectfully,

Bob and Sandy Jones

11205 SALLEE ROAD
LAS CRUCES, NEW MEXICO 88011-9513

A See response to Comment E, Letter 40.

B See response to Comment B, Letter 23.

ELIZABETH BARDWELL & JON HOLTZMAN

April 14, 2001

Tom Philips-EIS Team Leader
BLM-Las Cruces Office
1800 Marquess Street
Las Cruces, New Mexico 88005

RE: RMPA/EIS for Oil, Gas and Geothermal Resources in Sierra and Otero Counties

Dear Mr. Philips:

We are writing to provide our comments to the above RMPA/EIS. We urge the BLM to protect this sensitive and valuable natural resource Planning Area to the maximum extent possible from oil, gas and geothermal resource development by selecting Alternative B of the RMPA/EIS. Alternative A, as we understand it, would permit leasing and surface occupancy in 89% of the Planning Area. There are many sensitive areas and species within the Planning Area that could be adversely impacted by oil, gas and geothermal resource development. They warrant the absolute strongest protection possible from the federal government—Alternative B not A should be the preferred alternative.

A The sensitive areas at stake include the six nominated ACES's, essential habitat for all Special Status Species, a wildlife corridor between the Sacramento Mountains, the Brokeoff and Guadalupe Mountains to the south, two nominated WSAs, and others too numerous to mention. The Planning Area encompasses relatively pristine grassland habitat that exists nowhere else in the State of New Mexico. Prime habitat exists for two federally endangered species, the Aplomado Falcon and the Black-tailed prairie dogs.

To protect this valuable resource adequately, we request the following:

B • Discretionary closure of all eight nominated ACEC's and essential habitat for all Special Status Species;

C • Prevent the construction of new roads in the Planning Area. Any determination of the presence of an "existing road" using satellite imagery must be verified in the field;

D • There should be strictly monitored and enforced reclamation requirements for all

4850 TOBOSA ROAD • LAS CRUCES, NEW MEXICO • 88011
PHONE: 505-522-5065

A Within BLM s Decision Area, there are six ACECs, which are discretionarily closed to leasing; two WSAs, which are nondiscretionarily closed to leasing; and eight nominated ACECs, which are discretionarily closed to leasing.

B See response to Comment A, Letter 23.

C See response to Comment A, Letter 44.

D See response to Comment E, Letter 40.

D (cont.) disturbed land in the areas;

E • No surface occupancy (NSO) within .5 miles of riparian areas, wetlands and playas;

F • No exceptions or waivers to the NSO stipulation in remnant grassland patches and surface use limited to within 492 feet of existing roads; and

G • Discretionary closure of all Visual Resource Management Class II Areas and VRM limited areas.

Sincerely,

Beth Bardwell and Jon Holtzman

E See response to Comment B, Letter 23.

F See response to Comment C, Letter 23.

G See response to Comment D, Letter 23.

102 Howard St
Deming, NM 87002
April 16, 2001

Tom Phillips, EIS Team Leader
BLM - Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

Dear Sir:

A support Alternative B with strict monitoring of all disturbed land. Urge you to accept no surface occupancy or road construction within .5 miles of Riparian Areas, Wetlands or Playas. Thank you for your consideration for this matter.

A

Sincerely,

Mary Gilmerwood
N. M. Wilderness Alliance

A [See response to Comment B, Letter 23.

Tom Phillips
BLM-Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

Dear Tom Phillips:

I wish to comment on the DEIS re: amending the BLM Resource Management Plan for Otero and Sierra Counties, specifically about plan changes for Otero Mesa.

I am glad BLM is considering increasing protections for this very significant ecological area (as I understand it, one of the last remaining intact desert grasslands in southern New Mexico). Given the intensifying calls for more and more energy development on public lands (which I think is shortsighted), I believe the management approach described in Alternative "B" is the best way to achieve long term conservation management of the mesa. I also would recommend designating at least part of the mesa as an area of "special biological significance" (or some other special use designation), to recognize and protect its unique ecological resources. **A**

Please include these comments in the official record of the EIS process.

Stanley R. Euston
415 N. Lea Ave.
Roswell NM 88201

A Designating special management areas is beyond the scope of this RMPA/EIS. Adequate protection can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such restrictive measures can be imposed through conditions of approval attached to an APD.

April 16, 2001
Alb. NM

BLM-Las Cruces Office
1800 Marquess St.
Las Cruces, NM 88005

Dear Tom Phillips,

I wish to express my support for alternative B to protect Otero Mesa. The area's potential for becoming a Wilderness Area must be preserved. This is a rare and endangered grassland which should not be sacrificed to oil and gas interests.

Sincerely
Jack Kutz

Jack Kutz
913 Adams S.E.
Albuquerque, NM 87108

Tom Phillips, EIS Team Leader
BLM-Las Cruces Office
1800 Marquess St.
Las Cruces, NM 88005

April 16, 2001

Dear Mr. Phillips,

I understand that the BLM is considering a proposal that would allow continued oil and gas exploration in Otero Mesa.

I know our current administration in Washington supports these initiatives and drives their implementation with concerns over fuel shortages.

I ask that these considerations be balanced with the very legitimate concerns of many citizens over the loss of wilderness areas and the real threat this imposes on wildlife and fauna. Otero Mesa is one of New Mexico's last remnant grasslands. It is a haven for Aplomado Falcons, Pronghorn antelope, Mountain Plover, Ferruginous Hawks and other wildlife.

A-C I ask you to support Alternative B which will provide better protection to Otero Mesa. Hopefully we can procure strictly monitored and enforced reclamation requirements for all disturbed land in the area, determine the presence of existing roads with verification in the field and keep road construction within half a mile of riparian areas, wetlands or playas. This just seems sane to me.

I appreciate your time in reading my letter. I love New Mexico and recognize how precious our State's natural landscapes are for all our futures.

Sincerely,
Stacey VanLaanen

A [See response to Comment E, Letter 40.

B [See response to Comment A, Letter 44.

C [See response to Comment B, Letter 23.

Bob Langsenkamp
2825 Don Quixote
Santa Fe, NM 87505

4/16/2001.

Mr. Tom Phillips, EIS Team Leader
BLM- Las Cruces Office
1800 Marquess St.
Las Cruces, NM 88005.

Dear Mr. Phillips:

I urge you to disallow further Oil + Gas Exploration of Otero Mesa. BLM management has been very good to this point and has preserved one of the last select Black Grama grasslands in the region. Please continue down this path.

If exploration must proceed, please implement Alternative B. Reclamation standards should be strict and fully enforced, all exploratory roads should be "Ground-truthed". There should be no development within .5 mi. of Playas, Wetlands and Riparian Areas.

Thank you, Sincerely, Bob Langsenkamp

A [See response to Comment E, Letter 40.

B [See response to Comment A, Letter 44.

C [See response to Comment B, Letter 23.

6056 N. Oracle Jaynes Station Road
Tucson, AZ 85741
April 16, 2001

Tom Phillips, EIS Team Leader
BLM-Las Cruces Office
1800 Marquess St.
Las Cruces, NM 88005

In re: No drilling at Otero Mesa

Dear Mr. Phillips,

It is not necessary to despoil Otero Mesa for energy; we have all the energy we might require with OTEC (ocean thermal energy conversion) in the ocean, and the fuel is free.

May I suggest that you select Alternative B. to protect Otero Mesa, that there be no surface occupancy or road construction within ½ mile of any riparian area, wetland or playa, that you verify on the ground that satellite images satisfy the definition of "road", and last but not least, that you follow-up--strictly monitor and enforce requirements that disturbed land is reclaimed.

A B C

Sincerely,

Mansur Johnson

A See response to Comment B, Letter 23.

B See response to Comment A, Letter 44.

C See response to Comment E, Letter 40.

16 April 2001

Tom Phillips, EIS Team Leader
BLM-Las Cruces Office
1800 Marquess St
Las Cruces, NM 88005

Dear Mr. Phillips,

I am greatly distressed by the Bush administration's ecologically-unsound plan to develop Otero Mesa for the benefit of the gas and oil industry, to the detriment of one of New Mexico's finest grasslands and a whole host of sensitive species.

All too often BLM lands have been the stepchild of our public lands, trashed by a small, politically-connected group of developers for short-term gain, more often than properly managed for a sustainable future. Reclamation requirements have not been stringently monitored, much less enforced. And roads and other developments have had a devastating effect on riparian and other sensitive areas.

In conclusion, Alternative B is the only real choice at this time. Otero Mesa needs more protection, not less.

Sincerely,

Jonathan E. Davis, Ph.D. Horticulture/Forestry

April 16, 2001

Dear Tom Phillips -

I would like to state that I believe it is best to give Otero Mesa more protection from oil and gas exploration.

Therefor I support Alternative B. and believe there should be reclamation requirements for disturbed lands in that area.

As one of New Mexico's last remaining grasslands this protection is crucial and should include restrictions on

A [construction and occupancy within 1/2 mile of Riparian areas.

I hope Otero Mesa can be preserved

Thank you

Candace Christe Candace Christe
P.O. Box 57
Dixon, NM 87527

A [See response to Comment B, Letter 23.

April 17, 2001

Mr. Tom Phillips, EIS Team Leader
BLM-Las Cruces Office
1800 Marquess St
Las Cruces NM 88005

Dear Mr. Phillips:

I am writing regarding the EIS for Otero Mesa.

I support Alternative B. In addition:

A THERE should be strictly monitored and enforced reclamation requirements for any disturbed land in the area.

B IF there is any determination of the presence of an existing road in the area using satellite imagery, is needs to be verified in the field.

C I do not support any surface occupancy or road construction with one-half mile of riparian areas, wetlands or playas.

Otero Mesa is an endangered wild grassland and needs protection. Thank you for the opportunity to comment on this proposal.

Sincerely,

Lisa Fuselier

A See response to Comment E, Letter 40.

B See response to Comment A, Letter 44.

C See response to Comment B, Letter 23.

April 18, 2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

I am writing to urge extreme caution in federal fluid minerals leasing in Sierra and Otero Counties. It is my feeling that other uses of this land, such as habitat for wildlife, protection of watersheds and riparian areas, and stewardship of cultural resources, are far more critical for the sustainability of this region than are the short-term benefits and the long-term damage caused by potential leasing and development actions.

A The no action alternative and alternative A are unacceptable in that almost no restrictions are placed on almost 90% of the area under consideration. The area in southern Otero County, where

A BLM must balance management for protection and enhancement of the resources along with management for multiple use, sustained yield, and development of resources in accordance with the FLPMA. BLM is required to impose the least restrictive constraints needed to provide adequate resource protection while allowing for other uses. BLM believes that adequate protection can be afforded by the Proposed Plan (Alternative A modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

A (cont.) the most leasing potential occurs, contains some of the best remaining grasslands in New Mexico. This area should have a significant level of environmental protection.

Of the alternatives provided, alternative B is the one that comes closest to providing some level of protection for a small (15%) portion of the area under consideration. Accordingly, of the alternatives listed, B is the one I support.

B [Restrictions should be put in place to prevent constructions of new roads]. Also,

C [there should be discretionary closure of the 8 nominated ACEC's and essential habitat for special status species], as

D well as VRM class II and limited areas.

E As a long time resident of the region, I have spent a great deal of time in the area under consideration, part of it as a seasonal BLM employee. The thought of Otero Mesa and surrounding areas becoming like the "Oil Patch" is disturbing in the extreme. Accordingly,

B As stated in the Draft RMPA/EIS Appendix A-II, page A-II-1, a lease is a contract that conveys to an operator the right to develop and produce fluid minerals for a specific period of time under certain agreed-upon terms and conditions. The issuance of a lease grants to the lessee the exclusive right to use as much of the leased land as is needed to conduct exploratory drilling and development operations in the leasehold subject to stipulations attached to the lease; restrictions deriving from specific, nondiscretionary statutes; and reasonable measures as may be required by the surface-management agency to minimize adverse impacts on other resource values, land uses or users. BLM must allow access to the resource.

Also stated in the Draft RMPA/EIS Appendix A-III, page A-III-7, BLM encourages the use of existing roads to the maximum extent practical and minimizing new roads in unroaded areas. Where new roads are needed, construction, maintenance, rehabilitation, abandonment, and closure of the roads on public land would be in accordance with the BLM New Mexico State Office Road Policy, Standards and Procedures (Instruction Memorandum No. NM-95-031).

C See response to Comment B, Letter 23.

D See response to Comment A, Letter 31.

E See response to Comment A above.

E (cont.)

I would hope for more discretionary closures than anticipated in any of the alternatives.

Thank you for the opportunity to provide these comments.

Sincerely,

C. Wesley Leonard

POB 221211
El Paso, TX 79913
(915) 747-6649
cleonard@utep.edu

RMPA/EIS
FOR FEDERAL FLUID MINERALS LEASING
AND DEVELOPMENT IN SIERRA AND OTERO COUNTIES

U.S. Department of the Interior • Bureau of Land Mangement • Las Cruces Field Office

COMMENTS

Public Hearings

April 3, 4, and 5, 2001

LEAVE COMMENTS AT REGISTRATION TABLE OR MAIL THEM

Comments, including names and street addresses of respondents will be available for public review at the BLM Las Cruces Field Office during regular business hours (7:45 a.m. to 4:30 p.m.) Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Name/Organization (Please Print) Kenneth Anderson

Address: 30 San Pedro Dr Alamogordo NM **Zip Code:** 88310-9557

Comments: The socioeconomic analysis in the RMPA/EIS is inadequate. The impact of oil and natural gas exploration and development on the economy of Otero County would be significant. The unemployment rate in Alamogordo is 6.4%. Jobs have been lost in the logging and ranching industries. Otero County and the state of New Mexico will benefit greatly from the jobs and taxes the oil and natural gas industry will provide. **A**

Add Additional Pages as Needed

Signature: Kenneth V. Anderson

Fold this form (leaving the address and postage exposed) and tape or staple the edges together before mailing. No postage required. **Thank you for your comments!**

A BLM agrees that oil and gas activities could be beneficial to State and local economies as indicated in Chapter 4, Section 4.2.1.17. Also, see response to Comment C, Letter 11.

P.O. Box 1584
El Prado, NM 87529
April 15, 2001

Tom Phillips, EIS Team Leader
BLM-Las Cruces Office
1800 Marquess St
Las Cruces, NM 88005

Dear Mr. Phillips:

A, B I express my support for Alternative B in the development of Otera Mesa. There should be strictly monitored and enforced reclamation requirements for all disturbed land in the area. There should be no surface occupancy or road construction within one half mile of riparian areas, wetlands, or playas. Wilderness areas and wildlife habitats are being further endangered by continued oil and gas exploration in the Otera Mesa.

The BLM should be protecting this area not harming it.

Sincerely,

Joan L. Dobson

A See response to Comment E, Letter 40.

B See response to Comment B, Letter 23.

3154 McComb
Ann Arbor, MI 48108
April 16, 2001

Tom Phillips, EIS Team Leader
BLM- Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

Dear Mr. Phillips:

It has come to my attention that the Bureau of Land Management is considering a proposal to allow continued oil and gas exploration in Otero Mesa. I am writing this letter to urge you to halt the drilling and protect Otero Mesa, which is a haven for biodiversity of both plant and animal species.

Otero Mesa contains valuable potential Wilderness areas and claims many native New Mexican species as inhabitants. These proposed explorations would most certainly result in damage to this already endangered area. The deleterious effects of habitat fragmentation, soil erosion, and introduction of non-native invasive species due to activities such as road building represent hazards, from which this fragile ecosystem will probably not recover.

Our Wilderness areas contain and husband our natural heritage as well as valuable genetic resources. By protecting these areas now, we can preserve beneficial assets for future use and enjoyment.

It is for these reasons that I encourage you to support Alternative B, which will provide better protection for the Otero Mesa.][In addition, there should be strictly monitored and enforced reclamation requirements for all disturbed land in the area.][Furthermore, any determination of the presence of an "existing road" using satellite imagery must be verified using ground truthing methods][Finally, there should be no Surface Occupancy or road construction within 0.5 miles of Riparian areas, Wetlands, or Playas.]

Thank you for your thorough consideration of this matter.

Sincerely,

Hélène Beauchamp

Helene Beauchamp

A [See response to Comment E, Letter 40.

B [See response to Comment A, Letter 44.

C [See response to Comment B, Letter 23.

April 18, 2001

Tom Phillips, EIS Team Leader
BLM-Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

I would like to comment on the draft RMPA/EIS for oil, gas, and geothermal resources in Sierra and Otero Counties.

This area includes some of New Mexico's last remnant grasslands, potential wilderness areas, and prime wildlife habitat. I would like to see as much environmental protection as possible for the Planning Area. The last thing we need in our state is to sell out our few remaining wild or relatively undeveloped areas to the oil and gas industry, simply for some short-term profit. Our state can benefit much more, in the long run, by protecting our ecosystems, keeping them as intact and undisturbed as possible, and emphasizing sustainable eco-tourism instead.

I support Alternative B, since it will provide better protection for this unique area.

A I would like to see a moratorium on new road construction in the Planning Area.

B Any determination of the presence of an existing road using satellite imagery should be verified in the field. I know from experience that what appears to exist from maps and/or aerial images can be very different from what is on the ground.

C I think there should be strictly monitored and enforced reclamation requirements for all disturbed land in the area.

D I also think there should be no surface occupancy or road construction of any kind within .5 miles of Riparian areas, Wetlands, or Playas.

E I support discretionary closure of all eight nominated ACEC's and essential habitat for all Special Status Species.

F There should be no exceptions or waivers to the NSO stipulation in remnant grassland patches, and surface use should be limited to within 492 feet of existing roads.

G Finally, I also support discretionary closure of all Visual Resource Management Class II Areas and VRM limited areas.

Sincerely,

Eric Pierce

Eric Pierce
1310 W. Thomas,
Carlsbad, NM 88220

A BLM has decision-making authority only on land administered by BLM (referred to in the RMPA/EIS as BLM s Decision Area). The term Planning Area refers to the 7 million acres that comprise Sierra and Otero Counties.

Regarding your comment about new roads, see response to Comment B, Letter 69.

B See response to Comment A, Letter 44.

C See response to Comment E, Letter 40.

D See response to Comment B, Letter 23.

E See response to Comment A, Letter 23.

F See response to Comment C, Letter 23.

G See response to Comment A, Letter 31.

Tom Phillips
BLM - Las Cruces
1800 Marquess St.
Las Cruces, NM 88005

April 18, 2001

Dear Tom Phillips,

I am writing in regard to BLM plans for possibly continuing oil and gas exploration in Otero mesa. I am opposed to any future oil and gas development in that area, and I support Alternative B, which will provide better protection for Otero mesa.

A In addition, I would urge the BLM to enforce reclamation efforts for any mined or disturbed land in that area.

B Riparanian and wetlands areas should also be protected from road construction and other development.

Thanks for your time.

Lanie Friedman

A See response to Comment E, Letter 40.

B See response to Comment B, Letter 23.

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

APR 1 9 2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Re: 1610(030)
Review of Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties, October 2000

Dear Mr. Phillips:

The United States Section, International Boundary and Water Commission (USIBWC) has reviewed the subject document and offers the following comments for your consideration. We understand that the draft Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS) has been prepared to address Federal fluid minerals (oil, gas, and geothermal) leasing in Sierra and Otero counties in New Mexico (planning area). Environmental analyses and additional National Environmental Policy Act (NEPA) compliance will still be required for all site-specific actions, using the programmatic evaluation of impacts contained in the RMPA/EIS.

A In Section 2.2.4, Water Resources, page 2-6, first full paragraph, we recommend updating the information on storm water discharge permits. Beginning in 2003, under Phase II of the National Pollutant Discharge Elimination System (NPDES) Storm Water Program, small construction activities disturbing one acre or greater may also require a storm water pollution prevention plan (SWPPP).

B We recommend that this resource management plan be in alignment with the goals and objectives stated in the Unified Federal Policy for a Watershed Approach to Federal Land and Resource Management published in the Federal Register on October 18, 2000 for protecting water quality and aquatic ecosystems on public lands. Our agency would be most concerned about impacts to habitat and water quality in the vicinity of the reach of the Rio Grande from below Percha Dam in Sierra County, New Mexico. We would encourage improvements in crossings of waterways and other engineering controls to prevent non-point source discharges of pollutants into waterways. We would encourage the use of best management practices to minimize erosion and prevent sediment and potential contaminants from entering waterways.

C Thank you for the opportunity to comment on the draft RMPA/EIS. Please keep us involved in the NEPA process and send pertinent documents to my attention. If you have any questions regarding these comments, please call Ms. Yvette McKenna at (915) 832-4735.

Sylvia A. Waggoner
Sylvia A. Waggoner
Division Engineer
Environmental Management Division

The Commons, Building C, Suite 310 • 4171 N. Mesa Street • El Paso, Texas 79902
(915) 832-4100 • (FAX) (915) 832-4190 • http://www.ibwc.state.gov

A Your statement has been added to the text.

B By signing the Unified Federal Policy, BLM is committed to managing the Federal land, resources, and facilities in BLM s care so as to accelerate Federal progress towards achieving the goals of the Federal Water Pollution Control Act of 1972 (Clean Water Act). The Rio Grande is a Priority Category I watershed as identified in the New Mexico Clean Water Action Plan (1998). Best management practices (BMPs) and stipulations would accompany surface-disturbing activities on BLM-administered land within the watershed to minimize the possibility of sediment and other pollutants entering surface waterways.

C Your name and address are on the project mailing list to receive information regarding this RMPA/EIS in the future.

Letter 76

20 April 2001

Dear Mr. Phillips

Joy & I have worked a plan for that project called Otero Basin (or some such) that it not be destroyed by mineral or oil seekers or desertified by foraging cattle. That it has been lucky enough to escape ruination by OHV drivers is good luck to keep them out. Please decline to issue any leases or permits for this area - a plus for wildlife.

Thank you for choosing Plan B

Good luck with the project.

Sincerely

Mary K. Fox Oliver

Letter 77

"Red Rock Crossing"
Oak Creek Canyon, Arizona
from an original painting by John Stoumbis

John Stoumbis Studio Box 1147 Espanola, N.M. 87532

Ms. Inga Thompson
640 1/2 Camino Lejo
Santa Fe, NM 87505

POST CARD

Mr Tom Phillips, EIS Team leader
BLM - Las Cruces Office
1800 Marquess St.
Las Cruces, NM 88005

Dear Mr Phillips,

There are many who feel as I do that our natural environment is more valuable than museums and more fragile. I support Alternative B - whatever it is!

Please do not harm the local environment; it's a treasure that must be preserved.

Very Sincerely,

Inga Thompson

1105 Ocotillo Canyon
Carlsbad, NM
88220
19 April 2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

I am writing to comment on the Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties.

First I must say that I am sorry to see the oil and gas industry beginning a new drilling program in an area that seems to have little potential. The planning area(especially in Otero County) is largely undisturbed, one of the few areas left where this can be said. It has many threatened/endangered species, species of concern and other species of interest. The grasslands are unique in that they are intact and in good shape. The area hosts one of the few healthy Pronghorn herds left in New Mexico. And we are going to put all of this at stake because of pressure from a single industry.

I do not like Alternative A as I feel it simply is written for the oil and gas industry with a few token items for the people who are interested in protection and balanced development. I prefer Alternative B. There do not need to be any new roads in the area and if any are constructed(and undoubtedly they will) they need to be reclaimed and completely rehabilitated once oil and gas abandons the area. And they will abandon the area and it would be nice for a change if they were required to mitigate their damage.

A All 8 nominated ACECs should be closed to all oil and gas development.

B There should be absolutely NO surface occupancy within 1 miles of any riparian areas, wetlands, playas, prairie dog towns, and occupied raptor nesting sites.

C All surrounding essential habitat for Special Status Species should be closed to all oil and gas development.

A See response to Comment A, Letter 23.

B See response to Comment B, Letter 23.

C Discretionary closure of essential habitat for special status species is deemed overly restrictive. BLM is required to impose the least restrictive constraints needed to provide adequate protection of resources while allowing fluid minerals leasing and development. Adequate protection can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

page 2
19 April 2001

D All surface use should be limited to any areas within 400 feet of existing roads. No new roads.

E There should be a discretionary closure of all Visual Resources Management Class II Areas and VRM limited areas.

F These areas are already heavily impacted by other uses. On Otero Mesa, environmental qualities have declined with increasing military use. Letting oil and gas develop this area as they have much of the BLM land in Eddy County will result in a total and widespread degradation of the area. Open space, T/E, special status species and wildlife qualities and characteristics must not be compromised.

Thank you for your hard work on the document. Please recognize the long term importance of this area to all Americans, not just the oil and gas industry.

Sincerely,

Steve West

Steve West

D See responses to Comment C, Letter 23 and Comment A, Letter 31.

E See response to Comment D, Letter 23.

F See response to Comment E, Letter 40. Adequate protection can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more specific protection, such protective measures can be imposed through conditions of approval attached to an APD.

To: Tom Phillips, BLM
1800 Marquess Street
Las Cruces, NM 88005

Dear Mr. Phillips,

I am writing regarding the NEPA plan for oil & gas exploration in Otero & Sierra Counties. Having reviewed the alternative my general preference is Alternative B. That said, there are a number of ways Alternative B could & should be improved. For instance,

A all areas 5000 acres or greater in size that lack maintained roads should not be opened to any surface occupancy or

B exploration. All disturbed land should be reclaimed afterward.

C No roads or surface occupancy should be allowed within ½ of a mile of wetlands & riparian areas (seasonal included).

D Also "existing roads" should be field verified as aerial photos are not reliable in Chihuahuan desert grassland and scrub.

In closing I would ask that you pay special attention to Otero Mesa. It is one of only a few healthy grasslands left in the Chihuahuan Desert & its flora, fauna, and undeveloped character should be preserved.

Sincerely,

Martin Heinrich
3817 Simms SE
Albuquerque, NM 87108

A See response to Comment A, Letter 31.

B See response to Comment E, Letter 40.

C See response to Comment B, Letter 23.

D See response to Comment A, Letter 44.

04-18-01

Tom Phillips, EIS Team Leader
BLM-Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

Dear Mr. Phillips,

I am writing you concerning the proposed oil and gas drilling on Otero Mesa. I support alternative B, because it provides the best protection for the ecological resources] [Any drilling site prep and road work, as well as the drilling operations, should be carefully monitored and fully bonded and enforced reclamation requirements for all disturbed land in the area. A

Any decision of an "existing" road from satellite or aerial photography should be confirmed in the field and on the ground. I know from hard experience that most "roads" from aerial photography do not really exist in any fashion as a road] [Finally no surface occupancy or road construction should occur within 0.5 miles of a riparian area, a wetland or a playa. B C

Thank you for consideration of these comments.

Sincerely,

Gary Simpson
3355 West 115th Ave.
Westminster, CO 80031

A [See response to Comment E, Letter 40.

B [See response to Comment A, Letter 44.

C [See response to Comment B, Letter 23.

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

April 20, 2001

Dear Mr. Phillips,

The following comments are regarding the Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties. While I appreciate the resource concerns addressed in the BLM's preferred alternative (Alternative A) it does not adequately protect the unique and important habitats found within the Planning Area. I support Alternative B and urge that the following modifications also be adopted. These modifications will help the BLM realize its stated mission "to sustain the health, diversity and productivity of public lands for the use and enjoyment of present and future generations." A

- The Otero Mesa and Nutt desert grassland habitat areas should be discretionarily closed to federal fluid minerals leasing. These two areas are some of the best remnant grasslands remaining in the state. The word "remnant" says it all. These grasslands along with the many animals dependent on them, such as Prairie Dogs, Pronghorn, and numerous bird species need permanent protection now. B
  The Otero Mesa grasslands also serve as a wildlife corridor between the Sacramento Mountains to the north and Guadalupe/Brokeoff Mountains to the south. Exchange of large animals present in the Planning Area such as Mule Deer, Coyotes, Bobcats, and Mountain Lions between isolated ranges ensures their genetic integrity.
- The RMPA/EIS (page 4-87) indicates a requirement for the "maximum use of existing road and/or utility corridors to minimize the potential for increased habitat fragmentation" in areas occupied by herds of big game with specific management goals, areas with active raptor nests, and riparian/wetland habitats. This requirement is not adequate to prevent habitat fragmentation and there should be no new road construction in these areas. All "existing roads" should be identified beforehand and be included as part of the management C

A BLM must balance management for protection and enhancement of the resources along with management for multiple use, sustained yield, and development of resources in accordance with the FLPMA. BLM is required to impose the least restrictive constraints needed to provide adequate resource protection while allowing for other uses. Adequate protection can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such restrictive measures can be imposed through conditions of approval attached to an APD.

B Discretionary closure of the Otero Mesa and Nutt desert grassland habitat areas is deemed overly restrictive. BLM is required to impose the least restrictive constraints needed to provide adequate protection of the resources while allowing fluid minerals leasing and development. Adequate protection of these areas can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

C See response to Comment A, Letter 44.

C (cont.)

plan. The presence of any "existing roads" identified using satellite imagery should be checked on the ground.

D

- Areas identified as crucial habitats (page A-V-11) that are not already protected by more stringent measures should be under Controlled Surface Use rather Standard Lease Terms and Conditions. This will help decrease habitat degradation and fragmentation.

The following protective measures are already included in Alternative B. In the event Alternative B is not chosen these modifications should be added to the chosen alternative.

E

- If the Jornada del Muerto and Brokeoff Mountains Wilderness Study Areas are not designated as wilderness they should be discretionarily closed to federal fluid minerals leasing. These wild roadless areas are irreplaceable and have undergone great scrutiny to be designated as WSAs in the first place. They deserve the maximum amount of protection available.

F

- All Nominated Areas of Critical Environmental Concern should be discretionarily closed to federal fluid minerals leasing. BLM policy (manual 1613.21E) requires that Nominated ACECs are managed to maintain their condition until they can be fully evaluated through the resource management planning process. Discretionary closure is the only way to ensure that their current condition is maintained.

One need only look a short distance to the east of the Planning Area in nearby Eddy County to see the devastating effect oil and gas development has had on the environment. In the area known as Indian Basin just north of Carlsbad, NM activities associated with oil and gas such as road , well pad, power line and pipeline construction have virtually eliminated wildlife. One obvious indication of this is the absence of once abundant Pronghorn in the area. Recreational opportunities such as hiking, hunting and camping have also been severely diminished. There are a large number of trucks on the road a good deal of the time, many of them speeding and at numerous locations there are signs warning of the possibility of the presence of poisonous hydrogen sulfide gas. The BLM has the ability and responsibility to ensure that this scenario is not repeated on lands under their jurisdiction in Sierra and Otero Counties.

Sincerely,

Greta M. Balderrama

Greta M. Balderrama

D

Adequate protection of crucial habitats can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

E

If the WSAs are released from WSA status by Congress, then leasing would be determined by decisions derived by the land use planning process.

F

See response to Comment A, Letter 23.

Rick Fencl
P.O. Box 9711
Albuquerque, NM 87119-9711

Here are key things to mention in your comments:

- Tell the BLM that you support Alternative B, which will provide better protection for Otero Mesa.
- A There should be strictly monitored and enforced reclamation requirements for all disturbed land in the area.
- B Any determination of the presence of an "existing road" using satellite imagery must be verified in the field.
- C No Surface Occupancy or road construction within .5 miles of Riparian areas, Wetlands, or Playas.

4/19/01

A See response to Comment E, Letter 40.

B See response to Comment A, Letter 44.

C See response to Comment B, Letter 23.

TOM PHILLIPS
EIS TEAM LEADER
BUREAU OF LAND MANAGEMENT
1800 MARQUESS STREET
LAS CRUCES N M 88005

Dear Mr Phillips,

It has come to my attention that the bureau is considering a proposal that could allow continued oil and gas exploration in Otero Mesa.

A To be direct and to the point, suffice it to say that, unlike may other resources, grasslands throughout the United States have been virtually obliterated. The idea of considering any proposal which would exploit any resource on any grassland at this point in time, whether government property or not, should be prohibited.

I welcome you or a representative of yours to join me to show me areas of grasslands in the United States that have not been virtually destroyed and I shall in turn provide you with a tour of grasslands that have. Odds are that for every acre on your tour there will be one million acres on mine.

Thank you for your time.

Jim Wilson
3167 San Mateo NE #116
Albuquerque N M 87110
April 17, 2001

A Federal lands are made available for fluid minerals leasing through the Minerals Leasing Act of 1920, as amended, and the Geothermal Steam Act of 1970. All public land is open to leasing unless a specific order has been issued to withdraw an area from leasing. Under FLPMA and its implementing regulations, BLM has the responsibility to develop, maintain, and when appropriate, revise land plans that provide for management of public land based on the principles of multiple use and sustained yield.

Also, see response to Comment E, Letter 40.

Adequate protection can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such restrictive measures can be imposed through conditions of approval attached to an APD.

11321 30th NE
Seattle, WA 98125

April 17, 2001

Tom Phillips, EIS Team Leader
BLM-Las Cruces Office
1800 Marquess St.
Las Cruces, NM 88005

Dear Mr. Phillips:

Iam a hiker who enjoyed spending several weeks in New Mexico in 1999.

In this letter, I would like to express my concerns about the possible continued oil and gas exploration in Otero Mesa.

A [To provide protection for Otero Mesa, I encourage the BLM management to support Alternative B and to enforce reclamation requirements for the disturbed land in the area.

I appreciate this opportunity to provide imput on this issue.

Thank you very much.

Sincerely,

Herman Groninger

Herman Groninger

A [See response to Comment E, Letter 40.

Judith Phillips/Designer

BERNARDO BEACH NATIVE PLANT FARM
1 SANCHEZ DRIVE
VEGUITA, NEW MEXICO 87062

'01

LA
LAS CR

April 17, 2001

Tom Phillips, EIS Team Leader
BLM-Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

Dear Sir:

A B C I am writing to support Alternative B for greater protection of Otero Mesa. This rich grassland habitat is fragile and disturbance should be minimized because even if reclamation is mandated, restoring the current diversity would not be possible. All riparian areas, drainage catchments and cienegas should be off limits with a ½ mile buffer enforced. Furthermore, only on-the-ground surveys of existing roads should be used to allow access.

We are fortunate in New Mexico to still have relatively unspoiled habitats to support wildlife. This should not be seen as an opportunity to further diminish their scope, but a responsibility to protect their integrity.

Sincerely,

Judith Phillips

A See response to Comment E, Letter 40.

B See response to Comment B, Letter 23.

C See response to Comment A, Letter 44.

'01 APR 23 4/19/01

Tom Phillips, EIS Leader
BLM Las Cruces Office
1800 Marquess St.
Las Cruces, NM 88005

Tom Phillips -

A [Please do not allow any oil & gas exploration in Otero Mesa and keep Riparian areas, Wetlands & Playas for wild life, both plant & animal.

Alternative B, will provide better protection for Otero Mesa

Sincerely

M.V. Pregenzer
13009 Arroyo de Vista NE
Albuquerque, NM 87111

A [See response to Comment B, Letter 23.

20 April 2001

To Tom Phillips
BLM Las Cruces

From

Dr. James Vernon Lewis
505-881-7423
3401 Mars Road NE
Albuquerque, NM 87107-4818

Subject: Comments on EIS
Otera Mesa

I strongly support Alternative B for protection of Otera Mesa.

A The Otera grasslands should be recommended for Wilderness.

B No oil or gas drilling should be allowed.

C All disturbed areas should be carefully reclaimed.

D No surface occupancy or road construction should be allowed within one mile of riparian areas, playas, or wetlands.

A The patches of remnant Chihuahuan Desert grassland habitat that remain on Otero Mesa do not meet the criteria established for designating Wilderness. FLPMA directed BLM to inventory all public lands for wilderness potential and report the agency's findings and wilderness suitability recommendations through the Secretary of the Interior and the President back to Congress. This process was initiated in 1978 and completed by September 1990, the Congressionally assigned deadline for the BLM. Four WSAs were designated in the Planning Area; none of those included the Otero Mesa grasslands.

B See response to Comment D, Letter 25.

C See response to Comment E, Letter 40.

D See response to Comment B, Letter 23.

Franciscan Office of Justice, Peace and Integrity of Creation
Bl. Kateri Tekakwitha Friary, 208 N. Coronado Ave., Española, NM 87532-1040
Snailmail: P.O. Box 1040 -- Email: LarBernard@espanola.com -- Tel (505) 747-9443

April 20, 2001

Tom Phillips, EIS Team Leader
BLM - Las Cruces Office
1800 Marquess St.
Las Cruces, NM 88005

Dear Mr. Phillips:

Otero Mesa, one of New Mexico's last healthy grasslands, is a haven for pronghorn antelope, alpamado falcons, ferruginous hawks, and mountain plover, among hundreds of species.

I think misguided any permission to allow continued oil and gas drilling in these Chihuahuan Desert Grasslands between Las Cruces and Carlsbad. Otero Mesa is one of the last remnants of what the Chihuahuan Desert looked like before overgrazing -- rolling grasses, incredible biodiversity, and innumerable bird species.

A Our country should not be overemphasizing oil and gas exploration and undervaluing the development of wind turbines, photovoltaic power plants, hydrogen and aluminum fuel cells, not to mention producing more fuel-efficient cars.

B I support Alternative B, which will provide better protection for Otero Mesa.][There should be strict monitoring and enforcement of reclamation requirements for all disturbed lands in the area.][Any
C determination of "existing roads" from satellite imagery should be verified in the field.][Protect the riparian areas, wetlands and playas by
D not allowing roads or surface occupancy within one-half mile.]

Thank you for your consideration.

Rev. Larry Bernard ofm

Rev. Larry Bernard OFM
Provincial Animator JPIC

A The purpose of this RMPA/EIS is to address BLM s program for Federal fluid minerals leasing and subsequent activities.

B See response to Comment E, Letter 40.

C See response to Comment A, Letter 44.

D See response to Comment B, Letter 23.

1121 Quincy SE
Albq N Mx 87108
4-19-2001

Tom Phillips, EIS Team Leader
BLM - Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

Dear Mr. Phillips -
I am writing to you because of my great concern about OTERO MESA, one of New Mexico's last intact grasslands and a haven for endangered and threatened wild life.
I support Alternative B which will provide better protection for Otero Mesa. The area should be strictly monitored and all existing protection rules enforced. I say NO to any proposed oil and gas drilling that would threaten this crucial habitat area.

A

Sincerely,
Hildegard Adams
1121 Quincy SE
Albq N Mx 87108

A See response to Comment E, Letter 40.

April 20, 2001

Tom Phillips, EIS Team Leader
BLM – Las Cruces
1800 Marquess St.
Las Cruces, NM 88005

Jim O'Donnell
PO BOX 40637
Albuquerque, NM 87196

RE: Oil and Gas Exploration on Otero Mesa, NM

Mr. Phillips,

I have just been made aware of a proposal being considered by the BLM that could eventually allow oil and gas exploration in Otero Mesa.

I am writing to say that I am adamantly OPPOSED to any such plan.

A This is an area that I know and love. Otero Mesa is one of our state's LAST grassland remnants. While there I have seen Pronghorn, hawks falcons and I even had the great opportunity to see a Mountain Plover. This area contains precious potential Wilderness areas and must be protected for the future of our state.

B As a former archeologist who performed years of survey in the Carlsbad are prior to oil and gas exploration I know first hand the gross damage that oil and gas exploration brings to a piece of land. It is horrid. In my time I have witnessed ripped apart landscapes, trash brought by workers and the death and destruction of livestock and native grazers due to oil and gas exploration. What I saw near Carlsbad was pathetic and I guarantee that you will not be able to do any better. The only option is to NOT allow oil and gas exploration in the Otero Mesa region.

Having reviewed the proposal, I suggest the following:

- Alternative B is the best plan for Otero Mesa
- C There should not be any Surface Occupancy or road Construction within 1 mile of riparian areas, wetlands, playas, etc. NEVER
- D There should be strictly monitored and enforced reclamation requirements for all disturbed land in the area
- E Finally, any determination of the presence of an "existing road" MUST be field checked.

I feel that by heading my suggestions you will adequately protect Otero Mesa. You are the stewards of my heritage and that of my children. Please protect New Mexico's natural heritage.

Thank you,
Jim O'Donnell

A Federal lands are made available for fluid minerals leasing through the Minerals Leasing Act of 1920, as amended. All public land is open to leasing unless a specific order has been issued to withdraw the area from leasing. Under FLPMA and its implementing regulations, BLM has the responsibility to develop public land based on the principles of multiple use and sustained yield. Adequate protection can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS.

B See response to Comment D, Letter 25.

C See response to Comment B, Letter 23.

D See response to Comment E, Letter 40.

E See response to Comment A, Letter 44.

4-19-01

Tom Phillips, EIS Team Leader
BLM - Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

RECEIVED
'01 APR 23
LAS CRUCES

Dear Tom -

I'm taking a moment to write you about Otero Mesa, an area I understand the BLM is looking at in regards to its future management.

I encourage you to adopt Alternative B, which will provide protection for Otero Mesa. The Mesa is a gem in New Mexico, being a relatively undisturbed grassland providing habitat for Pronghorn, Falcons & hawks.

A No Oil & Gas Exploration in the area, please.

B All areas should be reclaimed while being strictly

C monitored. No roads should be allowed within a half-mile of fragile riparian areas and the like.

Please, help protect wild BLM lands that still remain wild in a land of worked-over lands.

Sincerely,
Jim Bowers
516 ½ 12th St. NW
Alb, NM 87102

A See response to Comment D, Letter 25.

B See response to Comment E, Letter 40.

C See response to Comment B, Letter 23.

Mr. Phillips,

RECEIVED
01 NOV 23
LAS
LAS

It is so important that you do all you can to protect Otero Mesa.

A I support Alternative B and feel that reclamation requirements should be enforced and monitored

B and there definitely should be a 1/2 mile buffer to protect reproduction areas and playas.

Thank you
Scott Clifford

Box 864
Ruidoso, NM 87321
505 783 4113

A See response to Comment E, Letter 40.

B See response to Comment B, Letter 23.

April 21, 2001

'01 APR 23

Dear Mr. Phillips,

LAS
LAS

A I urge you to protect Otero Mesa][There should be no road construction or surface occupancy within a mile of wetlands or riparian areas][Please set up strictly enforced
B reclamation requirements for any land that is disturbed in the area.

Please support Alternative B of the proposal, so that Otero Mesa can be suitably protected.

Thank you,

Budd Berkman
11 Canoncito Rd.
Placitas, NM 87043

A [See response to Comment B, Letter 23.

B [See response to Comment E, Letter 40.

4/20/2001

Dear Tom Phillips and the entire EIS team,

I realize the difficulty of your job but I hope you gain inspiration from places like the Otero Mesa. It is one of our state's last native grasslands and is home to Pronghorn, Falcons, Hawks and Mountain Plover. I would be in support

A [of designating large portions as wilderness.

However, you are currently considering whether to allow continued Oil & Gas Exploration.

I support Alternative B, which I think will provide for better protection of Otero Mesa.

B [I would ask that there be strict monitoring and enforcement of all reclam-

A [See response to Comment A, Letter 87.

B [See response to Comment E, Letter 40.

B (cont.) ation requirements for all disturbed land even when it was accidental or need for access.

C I would ask that no new road be allowed and an "existing road" be verified as something more than an animal trail in the field and not just based on satellite intel.

D I would also have strict restriction on roads, buildings, sites located within 1/2 mile of riparian areas, wetlands or playas.

Please keep me informed.

Sincerely,

Paul Luehrmann

Luehrmann
PMB 294
223 N. Guadalupe St.
Santa Fe, NM 87501-1850

C See response to Comment A, Letter 44.

D See response to Comment B, Letter 23.

Ap 18, 01

RECEIVED
BLM ... ROOM
'01 APR 23 A 9:48
LAS CRUCES DISTRICT OFFICE

Dear Mr. Phillips

I'm concerned about plans for Otero Mesa. I support Alternative B which will provide the best protection. Please verify whether 'roads' really exist and protect all watersheds

A

B

Thank you

R Mossman

Mr. Robert Mossman
4344 E Hayhurst St.
Tucson, AZ 85712

A See response to Comment A, Letter 44.

B See response to Comment B, Letter 23.

THE NATURE CONSERVANCY OF NEW MEXICO

Southern New Mexico Office • 650 E. Montana Ave. • Suite E • Las Cruces, NM 88001 • (505) 541-9252 • Fax (505) 541-9255

21 April 2001

Tom Phillips
RMPA/EIS Team Leader
Bureau of Land Management
1800 Marquess
Las Cruces, New Mexico 88005

Dear Mr. Phillips,

The Nature Conservancy, New Mexico Chapter, has reviewed the Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties. We wish to commend the Bureau of Land Management (BLM) in their efforts to conserve the natural and unique resources found in southern New Mexico while allowing for exploration and development for fluid minerals in Sierra and Otero Counties.

In general, we believe the plan is well thought out and we appreciate the objective and straightforward discussion of the potential impacts of the preferred action and its alternatives. After reviewing the document, with some proposed clarifications and specific objections, we support Alternative B because it provides the most protection for unique and sensitive resources found within the planning area yet provides for the exploration and development of the fluid mineral resources. We offer both general comments on three areas of your plan and comments specific to the Surface Use and Best Management Practices section, since this section represents a guide BLM will use in preparing future plans regarding the development of federal fluids.

A **I. Otero Mesa**. We are pleased that you distinguish the importance of this extraordinary remnant desert grassland, and that you recognize that, "the potential effects of Federal fluid minerals activities must be added to past degradation" (P. 4-36). As you note, the exploration of federal fluid minerals only adds to the historic adverse activities (intensive livestock grazing, introduction of roads, interruption of naturally occurring fire, and shrub encroachment) that have occurred throughout the grasslands. Allowing for the exploration and development of the federal fluid minerals will only further the fragmentation and degradation in this very important and sensitive area.

The Nature Conservancy has evaluated a number of landscapes through its Chihuahuan Desert ecoregional conservation planning process. A fundamental premise in our evaluation is that the long-term viability of species or natural communities increase proportionate to the size of the natural area within which it is embedded. Larger natural landscapes tend to have more intact

A See response to Comment E, Letter 40. Adequate protection can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such restrictive measures can be imposed through conditions of approval attached to an APD.

natural processes; therefore protecting larger sites affords a better chance of capturing or restoring the full array of ecological processes and long-term viability of important species of communities. Large contiguous grasslands are rare in the Chihuahuan Desert, let alone in New Mexico and these sites provide examples of black grama grasslands (*Bouteloa eriopoda*) that once dominated the basins of the Chihuahuan Desert. In a biological assessment workshop of the Chihuahuan Desert held in 1997, experts identified Otero Mesa and the Tularosa Basin as priority sites for conservation in the northern reaches of the Chihuahuan Desert (P. F-41 & F-50, in Ecoregion-Based Conservation in the Chihuahuan Desert: A Biological Assessment. Edited by Eric Dinerstein, et al.). In addition, the National Audubon Society and Partners in Flight have identified Otero Mesa as an Important Bird Area for its significance to grassland obligate avian species, such as aplomado falcon, Baird's sparrow, Sprague's pipit, mountain plover, and burrowing owl.

From a species standpoint, we believe that Otero Mesa qualifies as "essential habitat" for the aplomado falcon, a special status species, and should therefore be discretionary closed (Alternative B) until the area can be evaluated further. There have been sightings of aplomado falcons on McGregor Range adjacent to Otero Mesa (R. Meyer, personal communication). The fact that an active aplomado falcon nest within the Las Cruces - BLM resource area (the first naturally occurring nest in the United States since 1952) indicates that this species may be recolonizing its historic range in New Mexico. Furthermore, the Las Cruces BLM District Office has funded and supported the development of a habitat model in order to predict potential aplomado falcon nesting habitat within administered lands. With this in mind, we strongly urge that the further development of Otero Mesa be severely limited, since the site is recognized by experts as potential aplomado falcon habitat (R. A. Meyer, and R. Tafanelli. 1999. An Aplomado Falcon and Peregrine Falcon Survey in south-central Otero County, NM. unpubl. report to Geco Prakla) before the habitat model has been completed and applied to BLM lands.

Within this overarching conservation context, it is clear that Otero Mesa is one of the most significant sites for biodiversity within the vast Chihuahaun Desert ecoregion. As such, we urge the BLM to pursue any option which will minimize the further fragmentation of this area. From a standpoint of protecting biodiversity, the perfect solution would be to prohibit any and all mineral development and extraction activities at the site. However, we are cognizant that this conclusion may not be currently feasible given the political and economic realities of our time. As you may be aware, our organization has garnered considerable experience in developing and creating conservation plans which incorporate strategies for human uses and compatible economic development within conservation areas. With this in mind, if you feel it is appropriate, we would be pleased to offer our assistance and expertise in the collaborative design of a viable conservation plan for this site. Because of the biological and jurisdictional connectivity, this could be done in conjunction with the development of the final RMP for McGregor Range.

B 1. Roads. If, when all is said and done, there is a need for such a requirement, we would support the provision requiring "no surface occupancy except for within 150 meters of roads" to limit further fragmentation. However, with the caveat that we urge you to carefully identify appropriate existing roads as part of this plan. By "existing roads" we refer not to the miscellaneous two-tracks that exist on the mesa, but only to legitimate, clearly established roads. This will assist in controlling the construction of new roads in unauthorized areas and exclude

B See response to Comment A, Letter 9. Also, see response to Comment A, Letter 31.

B (cont.) roads constructed to pad sites or fields as "existing roads" from which to extend additional developments.

II. Nominated Areas of Critical Environmental Concern. We ask you to amend your preferred alternative, so that it specifically recognizes and includes several nominated ACECs for discretionary closures.

The BLM and The Nature Conservancy worked together for several years to inventory the rare and endemic species and communities found within the resources planning area and to identify critical areas that should be safeguarded to ensure their continued existence. This collaborative effort resulted in an extensive list, of which only some of the nominated areas were formally established. As we understand, those nominated but not established were as a result of administrative reasons and not because they did not meet ACEC criteria. Specifically, the following sites should receive particular attention and redesignation based upon their biological values:

C

1. Brokeoff Mountains - this area contains a variety of plants on the rare state plant list and federal Species of Concern list. It is also a priority conservation site within the Conservancy's Arizona-New Mexico Mountains Ecoregional Conservation Plan.

2. Jarilla Mountains – are important habitat for cacti communities. These mountains hold the greatest cactus species diversity in the Caballo Resource Area. Genetic variation in several species of cactus is high in this area.

3. Sacramento Mountains – this area is pinyon pine/juniper woodland with several important plant species. Most of the known populations of the T&E species, Todsen's pennyroyal, occur within this site. Also state endangered and sensitive species occur here. A priority conservation site within the Conservancy's Arizona-New Mexico Mountains Ecoregional Conservation Plan.

4. Six Shooter Canyon – is a narrow steep walled canyon that is habitat to several important plant species including the endangered Guadalupe mescalbean. Part of a priority conservation site within the Conservancy's Arizona-New Mexico Ecoregional Conservation Plan.

5. Pup Canyon – is canyon habitat for a diverse flora community including cacti and several endangered/sensitive species. In addition, there are two endemic plant species, the gypsum ringstem and the gypsum blazing star. It is contained within a priority conservation site in the Conservancy's Arizona-New Mexico Ecoregional Conservation Plan.

III. General Comments. The following comments apply to the various appendices found at the end of the document.

D 1. A-III-7 under Preliminary Investigations we recommend that following wording be used: Use wide, flat-tread, balloon tires (especially on seismic "thumper" trucks) are required in all grassland habitats and recommended where possible.

C See response to Comment B, Letter 18.

D Refer to Appendix B. The statement has been revised to read "In areas that allow for off-road travel, the off-road impact of large vehicles will be minimized by using wide, flat-tread, balloon tires (especially on seismic "thumper" trucks) where possible, especially in grasslands."

E 2. A-III-8 under Well Sites, a distance measure for aplomado falcon should be included since an "active nest" occurs within the Las Cruces BLM field office resource area. There is little known of the disturbance distance aplomado falcons will support, therefore we recommend conservative distance of at least 500 meters, until this could be investigated further.

F 3. A-III-9 under Well Sites, the measure should include protection of playas and natural drainage.

G 4. A-III-14 under Access we recommend signing abandoned roads as well. This will officially notify the public of closures and require state and federal officials to enforce.

H 5. A-IV-II under 20 Year Development Projections: Oil and Gas we recommend that it be stated that the density of gas fields on federal lands will be developed at a minimum of 320-acre spacing regardless of New Mexico Oil and Gas Division recommendations. This will prevent excessive road construction and further fragmentation of sensitive areas such as grasslands.

I 6. A-V TABLE A-8 under Plan Alternatives Considered for watershed areas (page A-V-8), we recommend inclusion of productive basins including El Paso Draw (that extends eastward from McGregor Range in the northern extreme of Otero Mesa), Hackberry Draw, and Shiloh Draw (on Otero Mesa) to your list of Resource Concern for Watershed Areas. These areas have been identified as potentially important for important species including black-tailed prairie dog, aplomado falcon, Baird's sparrow, burrowing owl and ferruginous hawk.

Thank you for the opportunity to comment on this plan. We recognize that the BLM has put much effort and thought into allowing for the development of fluid mineral resources while still attempting to protect the sensitive and natural resources in the planning area. As we have mentioned earlier, if we can be of any assistance to the further development of any portion of this plan, or to the identification of creative alternative solutions, please do not hesitate to contact us.

Sincerely,

Sonia Meyer
Director of Agency Relations

E See response to Comment J, Letter 24. 0.25 mile (400 meters) would be adequate.

F A stipulation of no surface occupancy would be applied appropriately to all known riparian areas, but is not necessary for all natural drainages.

G Refer to Appendix B. BLM added to the BMPs Signs prohibiting passage may be posted to facilitate reclamation.

H The density of wells is determined by the geology and reservoir being exploited. BLM generally accepts recommendations of the New Mexico Oil Conservation Division, but retains the final authority to set well spacing on Federal leases.

I These areas were identified in the 1986 RMP and adding to or subtracting from these areas is beyond the scope of this RMPA.

April 18, 2001

Tom Phillips, EIS Team Leader
BLM-Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

Dear Mr. Phillips:

I am writing in regards to the proposal that might allow continued oil and gas exploration in Otero Mesa. I have been a resident of New Mexico since mid 1994. I, like many others, have been enchanted by these beautiful, mystical lands. Given the vast majority of our state's lands have already been significantly impacted by either man or cattle, it is time to preserve the pristine areas that are still existing.

Regarding the Otero Mesa proposal, I support Alternative B.][There should be strictly monitored and enforced reclamation requirements for all disturbed land in the area.][Any determination of the presence of an "existing road" using satellite imagery must be verified in the field.][And please, allow no surface occupancy or road construction within a half-mile of riparian areas, wetlands, or playas.]

A
B
C

Thank you for consideration of these issues. Please help preserve the magic of New Mexico.

Sincerely,

Janet Blanchard

Janet Blanchard
1501 Indian School RD NE #A310
Albuquerque, NM 87102

A See response to Comment E, Letter 40.

B See response to Comment A, Letter 44.

C See response to Comment B, Letter 23.

Dear Mr. Phillips:

As an Otero County resident, I am concerned about the fate of Otero Mesa in regards to the proposed oil and gas exploration and its potential to harm the wildlife and the wilderness aspects of this grassland.

I urge you to adopt Alternative B to provide for the protection of Otero Mesa.

A Road construction should be limited and not be allowed at all near riparian areas. Any

B exploration that is permitted should require reclamation for all disturbed land and should be strictly monitored. Thank you.

Sincerely,

John Mangimeli

John Mangimeli
49 Lockheed Dr.
Alamogordo, NM 88310

A See responses to Comments A, Letter 31 and Comment B, Letter 23.

B See response to Comment E, Letter 40.

April 20, 2001
44 Winding Road
Santa Fe N.M. 87505

BLM

Dear Sirs:

1. We are asking you Halt the drilling on Otero Mesa (New Mexico).

A

2. We support Alternative B, which will provide better protection for the Mesa.

3. There should be strictly monitored and enforced reclamation requirements for all disturbed land in the Area.

B

4. Any determination of the presence of an "existing road" using satellite imagery must be verified in the field.

C

5. There should be no Surface occupancy or road construction within ~~five~~ tenths miles of riparian areas, wetlands or playas.

D

We have hiked on Otero Mesa, and nearby, and found it a beautiful place!

Sincerely,

Carolyn Koskella
Arnold E. Koskella

A See response to Comment D, Letter 25.

B See response to Comment E, Letter 40.

C See response to Comment A, Letter 44.

D See response to Comment B, Letter 23.

To: Tom Phillips, RMPA/EIS Team Leader
BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Fr: Greg Magee
1845 Mesilla Hills Dr.
Las Cruces, NM 88005

Re: Draft Resource Management Plan Amendment and Environmental Impact Statement (RMPA/EIS) for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties.

Mr. Phillips,

I am extremely concerned about the prospect of oil and gas leasing and development in Sierra and Otero Counties. Although Alternative B appears to provide the most environmental protection, I don't believe this or any of the alternatives presented address habitat fragmentation and degradation adequately.

SPECIFIC COMMENTS:

A ❖ Any determination of the presence of an "existing road" using satellite imagery must be verified in the field.

B ❖ All reclamation requirements should be strictly monitored and enforced (RMPA/EIS pages A-III-13 and A-III-14). All disturbed land, including damage done during geophysical exploration, should be restored to pre-project condition. All roads no longer needed for continued well operations should be permanently closed.

C ❖ No Surface Occupancy (NSO) or road construction within .5 miles of Riparian/Wetlands/Playas. These areas are so rare and critical to the survival of many species in the desert environment, they should be given maximum protection.

D ❖ Discretionary Closure of the Otero Mesa and Nutt desert grassland habitat areas. These grasslands provide critical habitat for pronghorn and many other species. According to the Federal Land Policy and Management Act and Dept. of Interior policy (43 CFR Part 24.4), BLM is primarily a habitat manager. Alternative A's stipulation of NSO except within 492 feet of existing roads within the remnant grasslands does not adequately protect these critical areas. Any area identified as being suitable habitat for pronghorn should be discretionarily closed.

E ❖ In the event the Jornada del Muerto Wilderness Study Area (WSA) or Brokeoff Mountains WSA are not designated as wilderness it is critical that these areas are discretionarily closed. Areas designated as WSAs have met strict roadless requirements and are some of the few remaining unspoiled areas in our state. They should remain roadless and wild.

A See response to Comment A, Letter 44.

B See response to Comment E, Letter 40.

Regarding road closure, as stated in Appendix B-Surface Use and Best Management Practices under the heading Access, When roads are abandoned, they will be ripped at least 16 inches deep, including turnouts; fill materials will be placed in cuts, and the abandoned road should be returned to its natural contour to the extent practical; then areas will be reseeded with a seed mix authorized by BLM.

C See response to Comment B, Letter 23.

D See responses to Comment B, Letter 81 and Comment C, Letter 23. BLM is required to impose the least restrictive constraints needed to provide adequate resource protection while allowing fluid mineral leasing and development. Standard lease terms and conditions are sufficient to manage the anticipated impacts from development that is likely to occur.

E See response to Comment E, Letter 81.

F
- Discretionary Closure of all Nominated Areas of Critical Environmental Concern(ACEC). (RMPA/EIS page A-V-22) "It is BLM policy (manual 1613.21E) to manage Nominated ACECs to maintain their condition until they can be fully evaluated through the resource management planning process." Discretionary closure of these areas is necessary to realize this goal.

G
- The RMPA/EIS has identified herds of big game which have specific management goals. Areas occupied by these herds as well as areas with active raptor nests and riparian/wetland habitats are under the stipulation that development of an area requires the "maximum use of existing road and/or other utility corridors to minimize the potential for increased habitat fragmentation." This stipulation should go further and prohibit the construction of new roads in these areas.

H
- Discretionary Closure and no geophysical exploration allowed in watershed areas to prevent accelerated erosion and watershed values.

I
- None of the three alternatives presented in the RMPA/EIS contains any stipulations for the protection of crucial habitats: grasslands, montane, and scrub. This encompasses an area of approximately 729,457 acres. At the very least this area should be designated as controlled surface use.

J
- Discretionary Closure of occupied or essential habitat for Special Status Species. These include all Federally listed threatened and endangered species, species proposed for Federal listing, Federal candidates, BLM sensitive species and State-listed species.

K
- Discretionary Closure for the Percha Creek Riparian Habitat Area. Besides providing critical habitat for many desert species this area is also suitable habitat for the Federally endangered Southwest Willow Flycatcher.

L
- Discretionary Closure for Visual Resource Management (VRM) class II areas. Oil and gas development is inconsistent with the requirement that "changes in any of the basic elements caused by a management activity should not be evident in the characteristic landscape. Contrasts are seen but must not attract attention."

M
- Controlled Surface Use for VRM class III areas. Oil and gas development are inconsistent with the requirement that "contrast to the basic elements, caused by a management activity is evident, but should remain subordinate to the existing landscape."

N
- Discretionary Closure of ORV limited areas. Also, geophysical exploration should not be allowed in these areas. If ORV use is being restricted in an area to protect resources then a drilling rig or vehicles used in seismic exploration should not be allowed in the area.

O
- Discretionary Closure of the Cuchillo Mountains Pinon Nut Collection area. This area is very important to some families.

Thank you for your consideration of these issues.

Sincerely,

Greg Magee

Greg Magee

F See response to Comment A, Letter 23.

G See response to Comment A, Letter 31.

H Discretionary closure and allowing no geophysical exploration in watershed areas is deemed overly restrictive. BLM is required to impose the least restrictive constraints needed to provide adequate protection of the resources while allowing fluid minerals leasing and development. Adequate protection of these areas can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

I Adequate protection of crucial habitats can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such restrictive measures can be imposed through conditions of approval attached to an APD.

J See response to Comment A, Letter 23.

K Discretionary closure of Percha Creek riparian habitat is deemed overly restrictive. Adequate protection of Percha Creek riparian habitat area can be afforded by imposing the stipulation of NSO within 0.25 mile of the area. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

L A stipulation to control surface use would adequately protect VRM Class II areas because new disturbance would be minimized as follows: (1) short-term impacts would be allowed as long as the longer-term impacts (one year) are consistent with the VRM Class II objectives; (2) reclamation must occur as soon as possible; (3) conditions of approval would be imposed such as use of appropriate paint color, judicious siting of facilities, and maximum use of existing roads and utility corridors; and (4) proposed disturbance may be moved more than 0.125 mile to meet VRM Class II objectives.

M Adequate protection can be afforded to areas of VRM Class III by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

N As stated in the Glossary, the term ORV limited applies to areas and trails where the use of ORVs is subject to restrictions such as limiting the number of vehicles allowed, dates and times of use (seasonal restrictions), and limiting use to existing or designated roads and trails. On designated roads and trails, use is allowed only on roads and trails that are signed for use. Combinations of restrictions such as limiting use to certain types of vehicles during certain times of the year are possible. However, the designation of ORV limited does not preclude construction of roads for a new purpose. Also, see response to Comment I above.

O See response to Comment C, Letter 25.

342 Laborcita Canyon Road
La Luz, NM 88337
(505) 443-1377
April 23, 2001

Tom Phillips
Bureau of Land Management
1800 Marquess
Las Cruces, NM 88005

Mr. Phillips,

Enclosed are my review and comments on the Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties.

I look forward to your next draft of this document.

Sincerely,

Kerry R. Miyoshi

/enclosures

SUMMARY

A In reading this document and attending the discussion on April 4, 2001 at the Otero County Courthouse, it is very apparent that this document was prepared without the input of the industries it proposed to affect, local governments, environmental groups, private businesses, and the citizens. I do not know why the BLM did not employ a Resource Advisory Council (RAC) for this effort. The BLM must work in partnership with all of these groups to create an amicable solution that provides benefits for all. It is BLM's mandate to manage our lands for multiple use, not a singular or no use scenario. These are public lands that belong to all of us, not just to the future ecology, but to the present needs of the citizens.

B The new document needs to be professionally peer reviewed by industry, ranchers, local government, landmen, environmental leaders, and myself. It should not be only internally reviewed.

C Oil and gas and geothermal developments have specific needs and should be handled separately.

D BLM will provide the personnel that will be proactive in clearing wellsites and roads for drilling operations. Any errors made on the persons clearing these areas for access will be BLM's responsibility, not the private sector. It is not the responsibility of industry to determine the proper routes and it may not be legally defensible. Also, in order for BLM to be satisfied with the wellsite and road clearing, it must be a person or persons directly under it's jurisdiction.

E Appendix A-IV, Reasonable Foreseeable Development, is extremely incorrect. Details are covered in the comments below.

F The EIS should include area-specific biodiversity and identify and map major habitats. Additional field work is needed, but it may help eliminate over management of BLM lands.

G Steps should be included for periodic and post internal audits of this document.

INTRODUCTION

I have recently moved here with my family and I was unaware of this controversy until an article in the Alamogordo Daily News on March 15, 2001. I attended the meeting held at the Otero County Courthouse on April 4, 2001 and received a copy of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties (RMPA/EIS). I have had very little time to review this document.

A As stated in Chapter 1, Section 1.3.1 and Chapter 5, Section 5.4, BLM sent an informational scoping notice to all parties on BLM s mailing list and held three meetings (Roswell, Alamogordo, and Truth or Consequences) early in the process for the RMPA/EIS. The purpose was to inform the interested public about the RMPA/EIS, discuss it, and solicit comments. These meetings were announced in the scoping notice, press release to local and regional newspapers, and in the *Federal Register*. After a 30-day scoping period, all comments received were compiled, reviewed, and analyzed to identify the issues to be addressed during the planning process. The results of scoping were documented in a Scoping Summary Report, which was distributed to all parties on BLM s mailing list.

Following scoping, BLM responded to requests to meet with industry representatives (i.e., a southeast New Mexico subgroup of the New Mexico Oil and Gas Association). BLM met with the group on a number of occasions. At the meetings, BLM presented data and information, received feedback, and discussed the status of the planning effort.

B Interested parties have the opportunity to review the PRMP/FEIS.

C While oil and gas are physically different from geothermal resources, planning for, developing, and managing Federal oil and gas and geothermal resources (or fluid minerals) are similar. Oil and gas and geothermal are addressed in this document as part of the BLM s Federal fluid minerals program; however, oil and gas are discussed separately from geothermal resources in the document (e.g., each has its own RFD, potential impacts are discussed separately).

D BLM would review and evaluate the existing conditions of the site to the extent practicable. However, if an issue should arise during construction, operation, or maintenance, the operator is responsible to coordinate with the BLM to remedy the situation. Typically, industry identifies and proposes a route that meets the needs for the project and, through a site visit, BLM and the operator coordinate to refine the route, as needed.

E BLM disagrees with your comment. The RFD, as described in the RMPA/EIS (Chapter 4 and Appendix A), represents the reasonably foreseeable extent of development based on the best available data. Early in the planning process when the RFD scenario was first developed, BLM presented the RFD to industry representatives for review and comment. Based on information provided by the group in a meeting on September 28, 1999, BLM reviewed and increased the RFD.

I am a registered and certified professional geologist with over seven years of experience as a petroleum geologist and over six years experience as an environmental geologist (specific information can be found at www.klcwmiyoshi.com). I have not searched for nor am I actively seeking employment in this area. I am not compensated in any way and I represent no group or company.

COMMENTS

Chapter 2 – Alternative A sound the best, it balances the need to protect our environment while allowing drilling operations to occur. BLM will need to expedite lease approval and well/road clearing operations.

H Page 2-17: The employment of the Visual Resource Management (VRM) System seems arbitrary. This system should not deter any drilling, as drilling rigs and equipment will be employed for a short duration. Permanent fixtures such as pumpjacks and pipelines can be camouflaged to minimize their visibility.

I **Chapter 3** – Of course I would love to see a better write up of the local geology.

Chapter 4 – Page 4-14: Usage of local water resources is very low. Usually a large volume of water is produced during drilling operations. This water can be used for drilling of that well, and saved and cleaned for reinjection or sent to the local water treatment facility.

J Page 4-24: Impossible to apply to our desert environment and with the huge impact just from the local winds and the White Sands.

K Page 4-31: As I have observed, noise impact on wildlife in general is limited to initial startup sounds and sudden loud sounds. Wildlife is very accommodating to noise in their local area for the limited time that the well will be in operation.

L Page 4-34: Primary wildlife impact is the direct mortality due to vehicles. Do you have any procedures in the case of an animal that is maimed, but not killed?

M Page 4-49: It is very unlikely that the drilling operations could deter any local recreation usage. Contrarily, people who use these "recreation areas" have been known to severely impact drilling operations by unauthorized visitations, damaging or stealing equipment, or interfering with personnel and equipment.

N Page 4-50: Even in strong VRM areas the impact would be minor. I have never had a negative comment about a drill rig. I've actually had people come from miles around to take pictures. Basically, everyone knows it's a short-term curiosity, if it's not on their land – it's none of their business, and if it is on their land – it's because of their approval.

O **Chapter 5** – In trying to avoid slandering a company, let's just say that my dealings with Dames and Moore in Denver have been less than favorable. In all instances, I found the personnel who were to check or assist or supervise my work to be "green" – lacking in experience, lacking in understanding of the purpose behind my activities, lacking in the proper education or background, or having just recently

F Best available data were used for the purpose of preparing this document. Site-specific data will be required to process an APD or a field development.

G As stated in Chapter 1, Section 1.3.9, BLM will monitor and evaluate actions, resource conditions, and trends to determine the effectiveness of the RMPA and to ensure that implementation of the RMPA is achieving the desired results. The RMPA will be kept current through minor maintenance, amendments, or revisions as demands on resources change, as the resources change, or as new information is acquired.

H The BLM manages visual resources through the Visual Resource Management Inventory and Contrast Rating System (BLM manuals 8410-1, 8431-1, January 1986). This system characterizes BLM landscapes into four levels of VRM Classes (I through IV). These classes direct the level of acceptable change on visual resources related to varying permitted activities. This system accounts for differing landscape types, scenic quality, visual sensitivity, project visibility, as well as compliance with VRM class management objectives.

The writer states, this system should not deter any drilling as drilling rigs and equipment will be employed for a short duration. Permanent fixtures can be camouflaged to minimize their visibility . The VRM system accounts for potential impacts on visual resources from two distinct perspectives. The first is impacts on viewers and the second is impacts on scenic quality in the absence of viewers. While camouflage may be effective in reducing project visibility, this mitigation does not account for impacts related to the presence of these facilities independent of a viewer being present. Additionally, the presence of this camouflage may increase project visibility. Defensible photosimulations related to applied mitigation have been useful in the past to determine the actual effectiveness of proposed mitigation in reducing project visibility.

I Chapter 3, Section 3.5, adequately describes the geology of the Planning Area for the purpose of this document.

J BLM disagrees. EPA air pollutant emission factors are developed to be applicable throughout the nation including the arid Southwest.

K Man-made noise impacts wildlife in a variety of ways and under certain circumstances can be damaging. In general, there are three methods by which noise has the potential to impact wildlife: masking of acoustic signals, affecting behavior, and affecting the animal s physiology (auditory or non-auditory).

Masking Acoustical Signals: Sound is used by animals for a variety of purposes, including communication, detection of predators/prey, and navigation. Masking occurs when noise interferes with the perception of the sound of interest. Physics, behavior, anatomy, and physiology will determine whether masking occurs as a result of noise.

Behavioral Effects: Noise has the potential of disrupting animal behavior. Extensive research has been conducted on observed behavioral changes due to man-made sounds (aircraft, ships, boats, construction, etc.) with a variety of animals. Observed reactions include a cessation of feeding, resting, socializing, and an onset of alertness or avoidance. The disturbance may not be significant biologically if it causes a temporary change in behavior or habitat use. In contrast, the disturbance may be significant biologically if it causes animals to avoid critical habitat for an extended time period, or hinders foraging or mating.

Excessive noise also may cause an animal to frequent a hazardous area (as a result of humans or other predators) due to motivation to find food. Animals also may exhibit habituation to noise, which can have positive and negative impacts. For example, animals that habituate to traffic noise are vulnerable to oncoming vehicles, but also may have the choice of better habitat if it can adapt to the louder noise environment. Habituation to noise is affected by the frequency of the noise event, motivation of the animal to habituate (i.e., easy meal), and many other factors.

Physiological Effects: Any type of noise at some level has the capability to damage hearing. The resulting damage determines whether the resulting threshold shift is temporary (temporary threshold shift [TTS]) or permanent (PTS). Repeated exposure to TTS is thought to cause a

K (cont.)

PTS, but no long-term studies have been conducted to prove this empirically. Hearing loss affects the animal s ability to navigate, communicate, and detect predators and prey. The extent to which a noise may affect an animal s hearing ability depends on the animal s auditory sensitivity.

The greater potential for impact on wildlife by noise is during the construction phase. Construction activities include grading of the pad and roads, construction of the roads, and drilling. According to U.S. EPA studies of equipment types and activities, construction noise would range from approximately 70 dBA to 95 dBA at 50 feet from its source (U.S. EPA 1971). Typical construction noise decreases 6 decibels with each doubling of distance from the noise source to the receptor.

Once drilling is completed, the long-term noise during production would remain relatively constant and would be just above background ambient noise levels. If suitable habitat is present near the project site, wildlife typically become habituated to the constant noise source and thus would not be adversely affected.

There are no general significance criteria for noise impacts on wildlife. The U.S. Fish and Wildlife Service considers 60 dBA L_{eq} to be a threshold for impact on bird species. However, this threshold does not necessarily apply to all species. Little is known regarding the long-term effects of oil field activities on wildlife.

L

This situation normally would be handled by the appropriate agency — likely the New Mexico Department of Game and Fish.

M

The potential exists for recreation to be displaced, especially for the types of recreation that involve solitude. BLM does not agree that there also is potential for instances of unauthorized access or use of well sites.

N

A site-specific visual resource study would need to be conducted on a case-by-case basis related to the assignment of potential impact levels. The writer s referenced curiosity seekers visiting drilling operations and taking pictures does not constitute a technical visual resources study related to the determination of potential impact levels.

O (cont.)

been assigned to the project without having been a part of any other phase of the project. D&M consistently goes over time and over budget with their projects. I have always been on time or under-time and always under budget with my government programs. It would be of better use if the BLM had chosen a local or at least a New Mexico company to do the work, not a company hundreds of miles away with no knowledge of the area, the people, the environment, and the land. A local company would understand the impact of their work on the people of this area and would have a commitment to the community. And it would be a company who survives on the quality of their work, not on the efforts of their marketing people to "get on the government approved list". As always, the picking of the cheapest contractor over the most qualified will result in the old adage, "you get what you pay for".

Appendix A-IV – A very bad application of statistics. After working for Chevron for many years, they definitely do not have the last word on oil and gas – a bad example. From Table A-2 only 18 wells penetrated as deep as the "#1Y Bennett Ranch". Of those 18, two had producible gas or 10% from what you have assumed as rank wildcats. That statistic is extremely exciting! In order to properly produce from wellsites, protect oil or gas fields from improper production, and maximize field productivity it is reasonable to assume that industry will drill as many wells as possible in as short of a time as possible to define and develop the field. Although geophysics can prepare you for possible locations to drill; the rate, quality, and quantity of the well will remain unknown until it is actually drilled. The driving forces behind each well are the available market and market price of the product. A 7500 foot well can be drilled and completed in 4 weeks under good conditions. It can be assumed that a single rig can drill about 10 wells a year. I have handled three rigs at once or about 30 wells a year. If we assume that drilling operations can sustain that rate and given the size of the field, we can approximate 150 wells over a five-year period to properly identify and develop the field (or fields).

P

Do not use a government "pattern" of well locations. I have personally seen many fields destroyed by this uninformed practice. Geology is not perfect consistency – formation thickness changes, structure can change, formation quality of porosity and permeability changes, wells are not completed perfectly or clean up properly. Each new well must define where other successive wells will be placed, not a specific spacing or pattern drilling program.

Q

Appendix B-I – Cute, but highly incomplete. This section does not discuss the myriad of other geophysical techniques that can be employed here. The section only covers rotary drilling, not other techniques such as impact or sonic. The section fails to cover any borehole tools and minimal requirements.

R

Appendix D-IV – I think it was highly irresponsible to include the US Forest Service, Region 3, New Mexico and Arizona (FS R3) listing. The FS R3 covers too large of an area, highly skews the data for SoC's, and is inconsistent with BLM's own

O

BLM selected Dames & Moore (now URS Corporation) because of their expertise, qualifications, and ability to provide the personnel needed to complete the task.

P

Government well-spacing patterns are the very essence of oil and gas conservation rules, necessary to prevent waste, prohibit the drilling of unnecessary wells, and protect correlative rights. Within these well-spacing units, BLM can direct the location of wells based on the needs of the lessee, constraints (stipulations) attached to the lease, and mitigation measures designed to prevent unnecessary and undue degradation.

Q

The Draft RMPA/EIS Appendix B-1 was not intended to be comprehensive. The purpose of Appendix B-1 was to provide a summary description for the general public to have a better understanding of the activities that occur associated with fluid minerals exploration, development, production, and abandonment. This appendix was provided to industry representatives (southeast New Mexico subgroup of the New Mexico Oil and Gas Association) for review and comment. Their comments were incorporated into the text.

R

BLM believes that the writer is referring to the tables attached to the letter in Appendix A-IV from the New Mexico Department of Game & Fish dated December 2, 1998. The tables report New Mexican wildlife of concern, status and distribution. It is correct that the lists include wildlife of concern to the Forest Service, Region 3 (FS R3), New Mexico and Arizona; however, the first table is specific to Otero County and the second table is specific to Sierra County.

R (cont.)

listing. I'm heartened to see that someone took the time to weed through and cover only species within this area.

CLOSING

Lastly, it can be assumed that some time in the future, someone will develop the oil and gas reserves in this area. I understand that Heyco is seeking to develop these reserves. I know that they are committed to making this work and committed to keeping the lands as pristine as possible. If Heyco does not develop, someone else will and they may not be understanding and willing as Heyco to protect our lands. It would be to all of our best interest for the BLM to work closely with industry to ease and expedite oil and gas operations in this area.

Thank you for your time and effort and consideration of the above rambling. If you have any questions, please do not hesitate to call me at (505) 443-1377.

T&E, Inc.

P.O. Box 1498 Cortaro, Arizona 85652
Tel: (520) 572-0998 Fax: (520) 572-0962 Email: thwootten@earthlink.net

March 20,2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Dear Tom:

Your Draft Resource Management Plan and Environmental Impact Statement for Federal Leasing and Development in Sierra and Otero Counties reflects a great deal of effort on your part to identify potential problems and concerns while still opening appropriate lands for fluid mineral exploration. You have identified three alternatives to guide you and of those three we find Alternative B the much-preferred alternative. It comes closer to protecting the resources we truly value.

This said there are three areas where your plan, especially Alternative A are lacking.

A

1) You do recognize that the grasslands at Nutt and on Otero Mesa are special. Not only are they special, but they also represent two of the only remaining large stands of desert grassland remaining in the United States portion of the Chihuahua Desert. In addition the two offer different dominants within the two plant communities. Due to their extreme rarity and irreplaceable status, we strongly urge that both areas be protected by designation as Areas of Critical Environmental Concern or Research Natural Areas with the primary foci of each being first protection of current condition and second as a prime location for non invasive research. Please accept this letter as an official nomination of both areas. We realize that this may be outside the scope of this current plan, but ask that both areas be discretionally closed pending your consideration of these nominations, and that the nominations be considered at your earliest opportunity.

B

2) We urge you to adopt your "150 meter on either side of existing roads" restriction for all areas open to development, but where Alternative A calls for surface occupancy, controlled surface use and timing limitations. Further all existing roads that meet your definition should be identified as part of this plan. This will tend to curb unauthorized road establishment and give you some control over future proposals.

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A Designating the Nutt and Otero Mesa grassland areas as ACECs or Research Natural Areas is beyond the scope of this RMPA/EIS. When a nomination is received (which includes the required maps, descriptions, etc.), BLM would address the proposal in a subsequent land use plan.

Discretionary closure of these areas is deemed overly restrictive. BLM is required to impose the least restrictive constraints needed to provide adequate protection of the resources while allowing fluid minerals leasing and development. Adequate protection of these areas can be afforded by the Proposed Plan (Alternative A modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

B See response to Comment C, Letter 23.

3) All nominated but undesignated ACEC's should be discretionally closed just as are the existing ACECs according to Alternative A. You state is Section 2.2.9: "BLM policy on such areas (referring to the nominated ACECs) is to manage the resources for which the area was nominated until these areas can be evaluated fully through the planning process." Your preferred alternative calls for discretionary closure on existing ACECs. This same protection should be afforded the nominated ACECs as well based on this policy. "Controlled surface use" leaves too much to discretion pending this management analysis. We use as an example the decision to not designate the Caballo Mountains as an ACEC in the proposed release of big horn sheep despite the strong recommendation that the release of big horn sheep would be a prime reason to designate the ACEC. This change occurred without prior notification or consideration by the public.

A member of our staff personally accompanied and consulted the scientist from The Nature Conservancy in the evaluation of the ACECs nominated by that organization. In addition, a member of our staff has visited the Pup Canyon area numerous times and also has nominated this area as an ACEC.

Regarding the individual nominated but undesignated ACECs:

C **Brokeoff Mountains**: Your plan properly identifies a number of rare plants included on the sensitive list by the State of New Mexico. In addition this area also contains the most numerous and vigorous population of *Sophora gypsophilia var. guadalupensis*, a designated "Species of Concern" by the US Fish and Wildlife Service and a BLM Sensitive Species. The area nominated is extremely rough and for this reason has been only modestly disturbed by human activity. The plant and animal communities represented here are diverse and unique to the Brokeoff Mountains. They will not tolerate anything but the most modest amount of disturbance.

Caballo Mountains. As already indicated these mountains offer a prime area to support desert big horn sheep, a New Mexico endangered species. Personal observation also includes areas undisturbed by livestock or other human activities at least in many years. The variety of plant species represented in the highly variable soil strata is significant.

Jarilla Mountains These mountains were nominated because of the extremely large number of species of cacti. Of special note is the presence of a hybrid cactus formerly known as *Echinocereus lloydii*, and listed as an endangered species. Because of the hybridization, this plant is no longer listed, federally, but is known from only a few locations. The Jarilla population is by far the most outstanding offering spectacular variation in flower color. The horticultural value of this plant should be pursued, and in the meantime this area has exceptionally high recreational values.

Mud Mountain A population of *Coryphantha duncanii*, a Federal "Species of Concern" is located on Mud Mountain and any type of surface disturbance would eliminate this small but healthy population. This plant is considered "endangered" by the New Mexico Rare Plant Technical Committee.

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C See response to Comment A, Letter 23.

C (cont.)

Percha Creek This is not merely a riparian area as expressed in your plan, but it represents an "exemplary riparian community that rarely occurs in such a relatively pristine condition." We have worked with BLM in an attempt to bring more of this area under good management. Merely restricting surface occupancy will not adequately protect this area.

Sacramento Mountains Your description of this nominated area does not include the fact that the protected plant, *Hedeoma todsenii* is known only from three populations in the world. It is listed as "Endangered" by the US Fish and Wildlife Service and likely is the most endangered species in New Mexico. This population must be protected. Discretionary closure is required.

Six Shooter Canyon This nominee has the best-known populations of the rare Guadalupe mescalbean, *Sophora gypsophilia var. guadalupensis,* a plant listed as a "Species of Concern" by the US Fish and Wildlife Service. In addition several species of rare plants considered sensitive or endangered by BLM and New Mexico are found here.

Pup Canyon This area was nominated for ACEC status because of the presence of the only known populations of *Amulocaulis leisolenus* var. *howardii* and *Mentzellia humilis* var. *Guadalupensis.* These two varieties were recently discovered and the *Amulocaulis* discovery required a complete review and revision of that plant genus. The plants are located on small groups and any surface disturbance would severely and negatively impact the populations.

Please consider our recommendations favorably. We believe that add critical elements to your plan. We look forward to seeing these provisions added to your plan

Sincerely,

Thomas H. Wootten
President

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April 21, 2001

Tom Phillips
RMPA/FEIS Team Leader
Bureau of Land Management
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

I am submitting this letter in response to the Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties. Included is my selection of the appropriate alternative as well as important amendments that should be enacted by the BLM from my point of view.

A Considering the proposed alternatives in the plan, I would urge the BLM to implement Alternative B but with modifications. Alternative B allows for the most reasonable protection of the unique and sensitive resources found within the planning area while allowing for development of fluid mineral resources. I find no substantive reason for the BLM,s preferred alternative as opposed to Alternative B. While, on the other hand there is obvious justification to implement Alternative B. The proposed ACECs were identified because of their ecological significance. These areas are habitats for diverse and unique communities, federally and state listed species, and other sensitive species. As such they should receive special protection as ACECs.

Alternative B does not adequately consider the current state of BLM lands and the additional effects caused by oil and gas development on soils, plants, animals and the sustainability of rangelands. I have included proposals to amend the plan which I request the BLM to consider and act upon. Public lands are available for oil and gas leasing only after they have been evaluated through the BLM's multiple-use planning process. In areas where development of oil and gas resources potentially conflict with management of natural resources, mitigating measures should be identified and applied to leases as stipulations to uses or as restrictions on surface occupancy. My proposals relate mostly to restrictions of surface occupancy.

My perspective regarding the proposed plan has been shaped largely by my educational and work experiences as an environmental consultant working extensively on BLM administered

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A Regarding the nominated ACECs, see response to Comment A, Letter 23.

lands in southern New Mexico. Much of my work has been conducted on Otero Mesa but also in areas such as grasslands in the central and southwestern portions of the state. Major projects have included surveys and population monitoring of federally listed species, species of concern, and sensitive species - grassland obligate species in particular - on the McGregor Range and adjacent BLM administered lands to the east on Otero Mesa. I have also been extensively involved in aplomado falcon and grassland bird research in Chihuahua, Mexico.

Grassland species including Black-tailed prairie dogs, aplomado falcon, ferruginous hawk, burrowing owl, Baird's sparrow and several other grassland obligate species have all shown population declines. For many of the grassland birds breeding in the Great Plains, the effects of habitat reduction and fragmentation have resulted in severe population declines. The importance of large, unfragmented grassland habitats, including extensive areas in excellent ecological condition cannot be over stated.

In light of these facts, and the management obligations of the BLM, I am concerned with the process that the BLM has used in its multiple use planning and the plan developed for Sierra and Otero Counties. It is apparent that a great deal of habitat loss and habitat degradation has occurred on rangelands in New Mexico as a result of historical overgrazing. Range management was implemented in reaction to the disastrous results. However, shrub encroachment and degraded range conditions are pervasive over much of BLM administered lands today. Habitat for such species as aplomado falcon, ferruginous hawk, and Baird's sparrow is limited and in poor condition over much of Sierra and Otero Counties. I have conducted Aplomado falcon surveys as required by the BLM for the Bennett Ranch 3D Seismic Project and the Apache 3D Seismic Project on Otero Mesa. In both reports I mention that range conditions presently decrease aplomado falcon habitat suitability by negatively affecting the avian prey base. In fact, current conditions may preclude the presence of breeding aplomado falcons. Furthermore, I did not detect Baird's sparrow during these surveys and also attribute this to less than suitable grassland habitat condition. Oil and gas developments will only exacerbate already marginal conditions for several grassland obligate species including aplomado falcon, Baird's sparrow, and ferruginous hawk. Effects of oil and gas developments are long term and may be permanent. Thus, areas that are allowed to be developed will likely not be retrievable. I request that the BLM use a very cautious approach to avoid further permanent habitat loss for grassland obligate species that are federally listed or show a trend towards becoming so.

B I have participated in studies to monitor populations of federally listed species and species of concern on the McGregor Range of Fort Bliss. We have identified important areas of habitat for species including the aplomado falcon, ferruginous hawk, Baird's sparrow, Burrowing owl, and Prairie dog. With this information, military activities and other uses of the land including grazing can be assessed and directed so that impacts on important areas are minimized. To my knowledge there is no information regarding populations and habitat conditions for several important animal species that are grassland obligates on other BLM

B BLM agrees that additional data about the areas would be beneficial. However, there is a present need for BLM to amend the RMP to address fluid minerals leasing and development, and the best available data were used to accomplish this.

managed lands. Without this information it is extremely difficult to manage on the landscape level for these species while attempting to allow for multiple uses of the land.

B (cont.) Will the BLM again take a reactive role by allowing oil and gas leasing over extensive areas that are habitat for federally listed species, candidate species and sensitive species and then deal with consequences when it is too late? This approach has already created severe ecological problems in the past. I propose that the BLM take a proactive role by first identifying important habitat and potential habitat for all important species and then molding a fluid minerals management plan to ensure that substantial negative effects to plant and animal communities are avoided. In meeting this goal I have listed below some actions that the BLM should adopt.

Specific Proposals

C Prohibit any exploration and leasing on grasslands until the Aplomado falcon habitat model (currently being created at the NM USFWS Coop Res. Unit) has been completed and applied to BLM lands.

D Furthermore, I am proposing/requesting that distribution and habitat evaluation be performed for other grassland obligate species (e.g. black-tailed prairie dog, Baird's sparrow, ferruginous hawk, burrowing owl) prior to developments, in order to identify important areas where development should be prohibited altogether and range condition be improved before any oil and gas leasing occurs. These areas should be identified as essential habitat for the above listed species.

I am basing these proposals and requests on research done on the McGregor Range which shows greater abundance and frequency of Ferruginous hawk, aplomado falcon, Baird's sparrow, prairie dogs, and burrowing owls in better managed productive grasslands. The habitat potential of lands to the east of the McGregor Range are, in my opinion greater than the McGregor Range because the military land is on the edge of the escarpment where soils are shallower and poorer in nutrient value and productivity. Therefore, the potential of the habitat in the grasslands further east is greater but unfortunately, it is not realized because of more intensive grazing that occurs there. The compounded effects of grazing and long term or permanent oil and gas developments on areas that may potentially be important habitat for important animal species could be severe without knowledge of these areas as habitat.

E With respect to development of oil and gas within 150 m of roads. Established roads need to be identified and oil and gas development along any other rarely used roads or newly established roads must be prohibited.

C BLM Las Cruces Field Office has been one of the sponsors of the aplomado falcon habitat model study, which has been completed and used to develop the Proposed Plan. The proposed management identified in the leasing stipulations would adequately address the needs of the aplomado falcon.

D The analysis of habitat (occupied or potential) is more appropriately performed when proposed surface-disturbing activities are identified (e.g., APDs). At this time, conditions of approval can be imposed that will provide mitigation appropriate to the specific situation.

E Based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM re-evaluated the use of the NSO stipulation and has developed a stipulation to control surface use by limiting industry s disturbance to no more than 5 percent of the leasehold at any one time and requiring new lessees to form exploratory units prior to commencing drilling activity. This allows for implementing the least restrictive constraints, allowing fluid minerals leasing and development to occur while providing adequate resource protection.

F In allowing oil and gas developments within 150m of roads - this will actually reduce habitat patch size considerably, especially for species such as aplomado falcon and ferruginous hawk. For instance, based on my experience and data from Chihuahua, aplomado falcons nest further than 1km from direct human activity, therefore any potential nesting habitat for aplomado falcons within 1 km of the oil pad would be unavailable. So, rather than a 150 m buffer along roads there would be a 1150m of unusable habitat along roads because of the potential for the existence of oil and gas wells, etc along roads. I recommend that there be no oil and gas development in grassland habitats identified as important or essential for federally listed species, candidate species, and sensitive species.

According to the BLM mission statement and the Taylor Grazing Act, directives of FLPMA of 1976 and PRIA of 1978 there is a call for SUSTAINABILITY and IMPROVEMENT of rangelands and the management of those lands that is compatible with providing habitat for wildlife. I urge the BLM to take their responsibilities for these goals seriously by limiting oil and gas development to only those areas where it does not compromise important natural resources, especially federally listed species, candidate species and sensitive species and their habitats.

Sincerely,

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F See response to Comment E above.

GOVERNOR
Gary E. Johnson

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April 13, 2001

Mr. Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Re: Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties
NMGF Doc. No. 7377

Dear Mr. Phillips:

The Department of Game and Fish (Department) has reviewed the Draft Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (DEIS) for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties. The Department appreciates the opportunity to review the DEIS, and recognizes the Bureau of Land Management's multiple-use mandate and the importance of oil and gas production in New Mexico. The Department's responsibilities for managing and protecting wildlife arise from Chapter 17-1-1 of New Mexico Statutes Annotated (NMSA 1978) and the Wildlife Conservation Act (Section 17-2-37 NMSA 1978). The Conservation Services Act (Section 17-1-5.1 NMSA 1978) authorizes the Department to review terrestrial and aquatic habitat development projects to assist natural resource managers in enhancing wildlife habitats.

BACKGROUND

Of approximately 7 million acres of Federal, State, tribal, and private lands in Sierra and Otero Counties, this project proposes to open up to oil, gas and geothermal exploration and development 2,058,099 acres of public and private split-estate lands with fluid mineral rights administered by the Bureau of Land Management (BLM). The objective of the RMPA is to determine which lands overlying federal fluid minerals are suitable and available for leasing and subsequent development and how those leased lands will be developed. The DEIS identifies the potential impacts of three different alternatives (No Action, Preferred Alternative A, and Alternative B) on the environment and reasonable measures to mitigate those impacts (p. S-1).

The three alternatives are distinguished by the type and degree of constraints. The No-action Alternative continues existing management. Alternative A modifies existing management to respond to legislative or regulatory requirements and/or management objectives. Alternative B also responds to legislative or regulatory requirements and/or management objectives, but provides a relatively greater emphasis on resource protection by imposing additional constraints on fluid minerals leasing and development (p. S-2).

The availability of public lands for oil and gas exploration and development is defined as either open or closed to leasing. Closures can be discretionary or nondiscretionary. Open public lands may be classified as 1) open with no specific management decisions defined, but subject to Standard Lease Terms and Conditions (SLTC); or 2) open to leasing with management constraints in the form of stipulations, which are conditions included in a lease when environmental analyses demonstrate that additional and more stringent protection is needed. The three types of lease stipulations are 1) no surface occupancy (NSO), which precludes direct surface occupancy by facilities; 2) controlled surface use, which identifies constraints on surface use or operations that may have otherwise exceeded the mitigation provided by SLTC, regulations and operating orders; and 3) timing limitation, which prevents activities for a specific period of time less than one year (p.2-22).

Page 4-40 identifies the RFD [Reasonable Foreseeable Development] for the project area as three gas fields and associated facilities. Each individual gas field is expected to have 320-acre spacing between wells, resulting in 12 production wells per field, with each field covering approximately 6 square miles. Each gas field is anticipated to contain an oil field, with wells developed on 40-acre spacing, resulting in 16 production wells per field, with an areal size of approximately 1 square mile.

The RFD also includes:

- 5,000 miles of geophysical seismic activity (average of 250 miles per year);
- 39 frontier wildcat wells are anticipated to be drilled;
- 141 new wells are anticipated to be drilled
- approximately 100 miles of transmission pipeline needed to transport gas from the planning area to market;
- three compression/gas plant facilities and three bulk oil storage facilities would be developed as part of each field's infrastructure;
- typical life of a producing well is 10 to 12 years of gas production and 30 years for oil operation.

GENERAL COMMENTS

On 2 December 1998 we submitted comments on the Scoping Notice for this project that identified our concerns with potential significant adverse impacts of oil and gas exploration and development on pronghorn and mule deer populations, threatened, endangered and sensitive species, and potential habitat for desert bighorn sheep reintroductions.

Specific big game populations and associated habitats of concern likely to be impacted by this project include, for mule deer, the Caballo Mountains Deer Area, Sacramento

Mr. Tom Phillips 3 April 13, 2001

Escarpment Deer Habitat Area and Otero Mesa Habitat Area; for pronghorn, populations within Otero Mesa Habitat Area, Nutt Antelope Area, Tularosa Basin, and White Sands Antelope Area; and potential bighorn sheep habitat in the Caballo Mountains, Sacramento Escarpment, and Guadalupe Mountains. Cumulative direct and indirect effects for big game and other wildlife will occur primarily from habitat fragmentation, regardless of which alternative is selected (p. 4-110). However, the Preferred Alternative incorporates mitigation measures to address these concerns.

The Department is particularly concerned about the potential cumulative impacts of development of an oil and gas production field on Otero Mesa, which is one of the largest contiguous remnant grassland areas in the state, and where important pronghorn and mule deer herds occur that need to be protected. Based on historic reports, the Otero Mesa pronghorn herd is one of the few herds in New Mexico that survived intense commercial market hunting in the early part of the century, and was not reintroduced. The Department has conducted aerial surveys of this antelope herd since 1990, and the population appears to fluctuate between approximately 100 and 800 animals. The Preferred Alternative incorporates mitigation measures to address potential impacts to the Otero Mesa pronghorn and deer herds from oil and gas development.

The DEIS predicts that three oil and gas fields will be developed in the project area, and page A-IV-10 suggests that all three anticipated fields may actually be developed on the Bennett Ranch Unit of Otero Mesa based on the Bennett Ranch Unit natural gas show from one existing well.

We conducted a literature review of the effects of oil and gas development on pronghorn. Oil and gas exploration and development has the potential to adversely impact big game populations on crucial wildlife ranges (Bromley 1985, in Easterly et al. 1991). The Wyoming Department of Game and Fish found that pronghorn avoided oil and gas fields with ongoing drilling and well maintenance activities (Easterly et al. 1991). The Wyoming study also found that stress from human activities associated with oil and gas development may be additive to environmental stress and increase winter mortality (Easterly et al. 1991). Repeated human disturbance or harassment of big game populations on crucial ranges can change activity patterns, increase predation, reduce access to resources, and increase energy expenditures necessary for survival (Geist 1978, Hobbs 1989, in Easterly et al. 1991).

A The DEIS recognizes that loss of grasslands from clearing of roads and pads would lead to habitat fragmentation, and that fragmentation and increased road access could have detrimental effects on pronghorn populations. Page 4-78 states that the topography of Otero Mesa is relatively level, causing wells and roads to be visible for long distances, providing little opportunity for visual and auditory barriers between the herd and field developments. The Preferred Alternative proposes to limit development to within 150 meters of either side of existing roads to mitigate for habitat fragmentation that could otherwise potentially effect pronghorn use of migration routes and traditional wintering and fawning areas, possibly adversely affecting population viability.

A See response to Comment C, Letter 23.

Mr. Tom Phillips 4 April 13, 2001

B In addition to concerns about the effects of habitat fragmentation and disturbance on pronghorn and other wildlife, the Department is concerned that an increase in road density could create an increase in poaching. Bancroft (1990) revealed the widespread illegal practice of road hunting in Arizona using decoy deer and elk. Once extraction activities are completed, the Department would like to work with the BLM to determine which road spurs created for oil and gas development should be closed.

COMPARISON ON ALTERNATIVES

The Preferred Alternative (Alternative A) provides additional protections to wildlife beyond the No Action Alternative, which would maintain the current leasing system. Page S-17 states "Under existing management [No Action], wildlife and crucial habitat are managed for fluid minerals as open with Standard Lease Terms and Conditions…SLTC would not necessarily allow BLM to substantively mitigate impacts on wildlife and fish habitat. Detrimental effects that could occur under existing management include (1) disturbance of birthing areas, (2) road construction into isolated or unroaded areas, (3) disturbance to nesting birds and waterfowl, and (4) impacts on crucial habitat (e.g., loss, fragmentation)."

Additional protections provided to wildlife and habitats by Alternative A, but not provided by the No Action Alternative include:

Big Game

- Otero Mesa Habitat Area would be protected with the stipulation of controlled surface use. Page 4-88 states: "Under Alternative A, patches of this remnant desert grassland habitat within the Otero Mesa Habitat Area would be protected from further habitat fragmentation by a stipulation of no surface occupancy, which allows for surface use within 150 meters of existing roads and no surface use within the patches of grassland habitat. The patches proposed for protection are greater than 320 acres. This protection would be consistent with BLM's management goal of providing adequate habitat for pronghorn. The stipulations would be more effective than standard lease terms and conditions in reducing potential effects because it limits road construction in unroaded areas."
- Leases within the Nutt Antelope Area would be subject to controlled surface use stipulations. The Nutt Antelope Area also contains large patches of remnant desert grassland habitat. A stipulation of NSO would be imposed, which would allow use of the surface within (150 meters) of existing roads and no surface occupancy within the habitat patches, to protect against further habitat fragmentation. BLM management goals for the Nutt Antelope Area are to conduct studies to determine the biological factors limiting the distribution and numbers of animals within this habitat.
- Leases within the White Sands Antelope Area (Jornada Plain) would also be subject to controlled surface use stipulations to protect the habitat. The purpose of delineating this habitat area in the 1986 RMP was to conduct studies to determine the biological factors limiting the distribution and numbers of pronghorn.
- Controlled surface use stipulations would be imposed on leases within the Sacramento Escarpment and Caballo Mountains Deer Habitat Areas, consistent with BLM's management goal of providing adequate habitat for mule deer. Maximizing the use of existing roads would help reduce possible adverse effects of increased access and habitat fragmentation resulting from new road construction. The portion

B See response to Comment A, Letter 31.

of the Sacramento Escarpment Deer Habitat Area that coincides with the Sacramento Escarpment ACEC would continue to be closed discretionarily.

- Occupied habitat for bighorn sheep would be managed with controlled surface use and timing limitation stipulations, whereby new disturbances would be minimized to reduce loss of habitat and habitat fragmentation. The timing limitation stipulation provides that no exploration or construction shall occur in habitat occupied by bighorn sheep during lambing seasons. Unoccupied habitat suitable for bighorn sheep reintroductions would also be managed as open to leasing with controlled surface use and timing limitations

Special Status Species

- Page 4-90 states "Areas where Federally listed or BLM-sensitive species are known to occur would be managed with a lease stipulation of controlled surface use. Each project would be scrutinized for potential effects on listed wildlife species and their suitable and potential habitat. There would be a high potential for timing limitations and other conditions of approval resulting from BLM analysis and consultation with the U.S. Fish and Wildlife Service (FWS). Similarly, areas where State-listed species are known to occur would be managed with a stipulation for controlled surface use, whereby operations would be designed to avoid delineated populations." Concerning the No Action Alternative, page 4-77 states "SLTC offer no specific protective measures for special status species."
- Areas of designated southwestern willow flycatcher habitat would be managed with a stipulation of no surface occupancy within 0.25 mile (400 meters) of riparian/wetland/playa areas (p. 4-90)."
- Page 4-90 states "Grassland habitats for the aplomado falcon would be managed under a stipulation of controlled surface use, whereby new disturbances would be minimized to reduce loss of habitat and habitat fragmentation and to avoid disturbance and/or displacement of individuals. A timing limitation may be required to avoid impacts on nesting aplomado falcons between January 1 and July 31. If needed, site-specific plans to avoid impacts on the aplomado falcon would be coordinated with the FWS."
- Page 4-91 states "Areas where black-tailed prairie dogs are known to occur would be managed with a stipulation of controlled surface use, whereby operations would be relocated to avoid prairie dog towns."
- Page 4-88 states "Stipulations of controlled surface use would be applied within raptor habitat, which is consistent with BLM management objectives. Specific raptor habitat and nest sites would be determined during site-specific investigations for individual APDs (Applications for Permit to Drill)."

Aquatic and Riparian Habitats

- Page S-15 states that for Alternative A, "...for surface water features such as watersheds, occupancy or use in sensitive areas would be considered on a case-by-case basis and impacts could be mitigated by implementing best management practices and other conditions of approval. Impacts on riparian, other wetlands, and playas would be minimized or eliminated by imposing the stipulation of no surface occupancy within 0.25 miles (400 meters). Impacts on other surface water features could be mitigated through avoidance, or implementation of best management practices and other conditions of approval." Under the No Action Alternative, areas

of highly erosive or fragile soils, riparian/wetlands/playas, and watershed management areas would continue to be open to leasing with SLTC (p. 2-24).

- Percha Creek Riparian Habitat Area would be managed as open to leasing with a stipulation of no surface occupancy [to protect southwestern willow flycatcher habitat].

DEPARTMENT RECOMMENDATIONS

C Because of the additional mitigation protections provided to big game, threatened and endangered species and important wildlife habitats, the Department supports the implementation of the Preferred Alternative (Alternative A). However, we recommend that a strong commitment be made to protecting existing black-tailed prairie dog colonies on Otero Mesa from surface occupancy, regardless of which alternative is selected. To preclude federal listing, the Black-tailed Prairie Dog Interstate Working Group, of which the Department is a member, has developed preliminary recommendations for protecting black-tailed prairie dogs within 1% of their historically occupied range. Therefore, we recommend that suitable habitat within 0.25 miles of existing colonies be protected from development, to allow for expansion of these known colonies. This buffer would be consistent with that provided in the preferred alternative for riparian areas.

The black-tailed prairie dog (*Cynomys ludovicianus*) is a Candidate species for listing under the federal Endangered Species Act, and occurs on the BLM portion of Otero Mesa in 22-23 colonies averaging approximately 5 acres each (Mike Howard, pers. comm.). These colonies are extremely important for future conservation efforts because they are some of the last extant populations within the Chihuahuan Desert in the U.S., are likely uniquely adapted to xeric environments, and represent most of the few surviving source populations for recovery elsewhere within the arid southern portion of their known historic range. Prairie dogs and their elaborate burrow systems also provide important habitat for many other vertebrate and invertebrate species such as the Federally-proposed mountain plover (*Charadrius montanus*), and state- and federally-protected burrowing owl (*Athene cunicularia hypugaea*), as well as being important prey species for state- and federally- rotected raptors such as golden eagles (*Aquila chrysaetos canadensis*) and ferruginous hawks (*Buteo regalis*).

SPECIFIC COMMENTS

D Page S-17 states for Alternative A, "Crucial habitats (grasslands, montane scrub, and woodland/forest) would be managed under SLTC, with best management practices and other conditions of approval to minimize loss and fragmentation of habitat." However, Table 2-9 (p.2-35) states that for Alternative A, crucial habitats will be managed for "Controlled Surface Use". This contradiction should be corrected.

E Map 3-7 is inadequate for identifying habitats affected.
The "Nongame" wildlife section (2 sentences) on page 3-29 in Chapter 3, "Affected Environment," is inadequate to identify nongame species that occur in the project area.

F Elephant Butte and Caballo Reservoirs, and Elephant Butte Marsh are not identified in the "Waterfowl" and "Raptors" sections on page 3-29 as major waterfowl and bald eagle wintering areas that could be adversely affected.

C Refer to special status species stipulation in Volume I, Appendix D of this PRMPA/FEIS.

D The statement has been corrected. Crucial habitats will be managed through standard lease terms and conditions. If site-specific conditions warrant more restrictive protection of crucial habitats, such restrictive protective measures can be imposed through conditions of approval attached to an APD.

E The map was intended to show Habitat Management Areas for deer, antelope, and bighorn sheep, rather than affected habitats. In preparing the Draft RMPA/EIS, large-scale maps were developed (and are on file at BLM, Las Cruces Field Office) that provide some additional habitat information. BLM did this by depicting broad vegetation types as well as previously identified Habitat Management Areas. The title of the map has been changed to Major Vegetation Types and Habitat Management Areas. While BLM agrees that more detailed data would be beneficial, BLM used the best data available and believes the level of detail is adequate for this RMPA/EIS.

The Nongame section in Chapter 3 has been revised.

F The text has been revised to specifically state that Elephant Butte and Caballo Reservoirs and Elephant Butte Marsh are major bald eagle and waterfowl wintering areas.

Mr. Tom Phillips 7 April 13, 2001

G The DEIS contains an in-depth discussion of the effects of habitat fragmentation on wildlife, but omitted four references cited in the discussion from the Literature Cited section (pp. 4-34,4-35). Another four references are missing on page 4-37, two on page 4-38, and one on page 4-39.

H Page 4-39 has an inadequate discussion (2 sentences) of the potential effects of pipeline construction on wildlife and habitats, which will be necessary for transport of oil and gas from developed fields. Pipeline construction and maintenance can cause substantial habitat fragmentation that equals or exceeds road development in terms of actual acreage disturbed. Also, under the Preferred Alternative, it was our understanding based on discussions with the BLM that pipeline construction would be limited to within 150 meters of existing roads. The DEIS should provide an adequate analysis of potential pipeline construction and maintenance impacts on wildlife and habitats, and discuss parameters of pipeline construction relative to the different alternatives. The Department supports the mitigation condition of pipeline construction within the 150 meter buffer of either side of existing roads, and offers assistance in locating pipelines to minimize disturbance to wildlife.

I Page 4-39 states that evaporation ponds and skimmer pits present a hazard to waterfowl and other wildlife that may be attracted to the water, but should additionally discuss the New Mexico Oil Conservation Division requlations that require that these facilities be covered to prevent violations of the Migratory Bird Treaty Act.

J We appreciate the opportunity to comment on this project. For your convenience, we have enclosed the most recent New Mexico Wildlife of Concern lists for Sierra and Otero Counties (NMGF 2001). Should you have any questions regarding our comments, please contact Mark Watson, Habitat Specialist, of my staff at 827-1210, or <mwatson@state.nm.us>.

Sincerely

Larry G. Bell
Director

LGB/MLW/AS

Attch.

G The references have been included in the references section of the PRMPA/FEIS.

H The text has been revised to include brief discussion of the potential effects.

I This is addressed under standard operating procedures.

J BLM has obtained the most recent list to update this PRMPA/FEIS.

CC (w/o attch.)

Lieutenant Governor Walter Bradley
Joy Nicholopolous (Ecological Services Field Supervisor, USFWS)
Scott Brown (Assistant Director, NMGF)
Tod Stevenson (Conservation Services Chief, NMGF)
Roy Hayes (Southeast Area Operations Supervisor, NMGF)
Steve Henry (Southwest Area Operations Supervisor, NMGF)
Bill Hays (Conservation Services Asst. Div. Chief, NMGF)
Chuck Hayes (Conservation Services Asst. Div. Chief, NMGF)
Greg Schmitt (Conservation Services Endangered Species Biologist, NMGF)
Sandy Williams (Conservation Services Endangered Species Biologist, NMGF)
Mark Madsen (Southeast Area Operations Game Manager, NMGF)
Alexa Sandoval (Southeast Area Operations Habitat Specialist, NMGF)
Pat Mathis (Southwest Area Operations Habitat Specialist, NMGF)
Mark Watson (Conservation Services Habitat Specialist, NMGF)

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New Mexican Wildlife of Concern - Otero County

Common Name	SCIENTIFIC NAME	FWS.. ESA	NM... WCA	FS. R3	BLM.. NM	NM... Sen	FWS. SOC
Rio Grande Cutthroat Trout	Oncorhynchus clarki virginalis	.	-	s	-	s m	.
Rio Grande Chub	Gila pandora	.	-	.	-	s	.
White Sands Pupfish	Cyprinodon tularosa	g	T	-	.	n	s
Sacramento Mountain Salamander	Aneides hardii	.	T	s	s	n	s
Northern Leopard Frog	Rana pipiens	-	.	s	-	.	.
Bleached Earless Lizard	Holbrookia maculata ruthveni	.	-	.	-	s n	-
Texas Horned Lizard	Phrynosoma cornutum	.	.	s	s	.	s
White Sands Prairie Lizard	Sceloporus undulatus cowlesi	-	-	.	.	s n	.
Little White Whiptail	Cnemidophorus inornatus gypsi	.	-	.	.	s n	.
Desert Kingsnake	Lampropeltis getula splendida	.	-	s	-	.	.
Texas Longnose Snake	Rhinocheilus lecontei	-	.	s	-	.	.
Mottled Rock Rattlesnake	Crotalus lepidus lepidus	.	T	s	-	.	.
Desert Massasauga	Sistrurus catenatus edwardsii	.	-	s	-	.	.
Brown Pelican	Pelecanus occidentalis carolinensis	E	E	s	-	.	.
Neotropic Cormorant	Phalacrocorax brasilianus	.	T	s	-	.	.
American Bittern	Botaurus lentiginosus	.	.	s	-	.	.
Snowy Egret	Egretta thula brevsteri	.	-	s	-	.	.
Black-crowned Night Heron	Nycticorax nycticorax hoactli	.	.	s	-	.	.
White-faced Ibis	Plegadis chihi	.	.	s	s	.	s
Osprey	Pandion haliaetus carolinensis	.	-	s	-	.	.
Mississippi Kite	Ictinia mississippiensis	.	.	s	-	.	.
Bald Eagle	Haliaeetus leucocephalus	T mg	T	s	-	.	.
Northern Goshawk	Accipiter gentilis	.	-	s	s	s	s
Common Black-hawk	Buteogallus anthracinus anthracinus	.	T	s	-	.	.
Swainson's Hawk	Buteo swainsoni	.	-	s	-	.	.
Ferruginous Hawk	Buteo regalis	.	-	s	s	.	s
Aplomado Falcon	Falco femoralis septentrionalis	E mg	E	s	-	.	.
American Peregrine Falcon	Falco peregrinus anatum	m	T	s	-	.	.
Sora	Porzana carolina	.	-	s	-	.	.
Western Snowy Plover	Charadrius alexandrinus nivosus	.	-	s	-	.	.
Mountain Plover	Charadrius montanus	P	-	s	-	s	.
Black-necked Stilt	Himantopus mexicanus	.	.	s	-	.	.
Long-billed Curlew	Numenius americanus americanus	.	.	s	-	.	.
Interior Least Tern	Sterna antillarum athalassos	E mg	E	s	-	.	.
Black Tern	Chlidonias niger surinamensis	.	-	-	s	.	s
Common Ground-dove	Columbina passerina pallescens	.	E	s	-	.	.
Flammulated Owl	Otus flammeolus	.	.	s	-	.	.
Burrowing Owl	Athene cunicularia hypugaea	.	-	.	s	.	s
Mexican Spotted Owl	Strix occidentalis lucida	T (h)mg	.	s	.	s	.
Elegant Trogon	Trogon elegans canescens	.	E	s	-	.	.
Belted Kingfisher	Ceryle alcyon	.	.	s	-	.	.
Southwestern Willow Flycatcher	Empidonax traillii extimus	E h	E	s	-	.	.
Loggerhead Shrike	Lanius ludovicianus	.	-	.	s	.	s
Bell's Vireo	Vireo bellii	.	T	s	-	.	.
Gray Vireo	Vireo vicinior	.	T	s	-	.	.
Gray Catbird	Dumetella carolinensis ruficrissa	.	-	s	-	.	.
American Redstart	Setophaga ruticilla tricolora	.	.	s	-	.	.
Baird's Sparrow	Ammodramus bairdii	.	T	s	s	.	s
Sprague's Pipit (no data)	Anthus spragueii	.	-	s	-	.	.
Varied Bunting	Passerina versicolor	.	T	s	-	.	.
Western Small-footed Myotis Bat	Myotis ciliolabrum melanorhinus	.	-	.	s	s	s
Occult Little Brown Myotis Bat	Myotis lucifugus occultus	.	.	s	s	s	s

Biota Information System Of New Mexico (BISON-M) Feb 21, 2001 - Dept. of Game & Fish, Conservation Services Div.

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New Mexican Wildlife of Concern - Otero County

Common Name	SCIENTIFIC NAME	FWS.. ESA	NM... WCA	FS. R3	BLM.. NM	NM... Sen	FWS. SOC
Cave Myotis Bat	Myotis velifer	-	-	s	s	s	s
Long-legged Myotis Bat	Myotis volans interior	-	-	-	s	s	s
Fringed Myotis Bat	Myotis thysanodes thysanodes	-	-	-	s	s	s
Spotted Bat	Euderma maculatum	-	T	s	s	-	s
Pale Townsend's Big-eared Bat	Plecotus townsendii pallescens	-	-	s	s	s	s
Big Free-tailed Bat	Nyctinomops macrotis	-	-	-	s	s	s
Penasco Least Chipmunk	Tamias minimus atristriatus	-	E	s	-	n	-
Gray-footed Chipmunk	Tamias canipes canipes	-	-	-	s	-	s
Gray-footed Chipmunk	Tamias canipes sacramentoensis	-	-	-	s	s n	s
Rock Squirrel	Spermophilus variegatus tularosae	-	-	-	-	s n	-
AZ Black-tailed Prairie Dog	Cynomys ludovicianus arizonensis	CW m	-	s	s	s	s
Guadalupe Pocket Gopher	Thomomys bottae guadalupensis	-	-	s	s	s	s
Botta's Pocket Gopher	Thomomys bottae tularosae	-	-	-	-	s n	-
Desert Pocket Gopher	Geomys arenarius arenarius	-	-	-	s	-	s
Desert Pocket Gopher	Geomys arenarius brevirostris	-	-	-	-	s n	s
Plains Pocket Mouse	Perognathus flavescens gypsi	-	-	-	-	s n	-
Rock Pocket Mouse	Chaetodipus intermedius ater	-	-	-	-	s n	-
New Mexican Jumping Mouse	Zapus hudsonius luteus	-	T	s	s	-	s
Ringtail	Bassariscus astutus	-	-	s	-	s	-
Western Spotted Skunk	Spilogale gracilis	-	-	-	-	s	-
Common Hog-nosed Skunk	Conepatus mesoleucus	-	-	-	-	s	-
Socorro Mountainsnail	Oreohelix neomexicana	-	-	-	-	s n	-
Woodlandsnail	Ashmunella amblya cornudasensis	-	-	-	s	n	-
Cloudcroft Checkerspot Butterfly	Occidryas anicia cloudcrofti	-	-	-	-	s n	-

NATIVE WILDLIFE APPARENTLY NO LONGER OCCURRING IN OTERO COUNTY

Mexican Gray Wolf	Canis lupus baileyi	
Grizzly Bear	Ursus arctos	(extirpated from NM)
Jaguar	Panthera onca arizonensis	
Merriam's Elk	Cervus elaphus merriami	(extinct)
Desert Bighorn Sheep	Ovis canadensis mexicana	

New Mexican Wildlife of Concern - Sierra County

Common Name	SCIENTIFIC NAME	FWS.. ESA	NM... WCA	FS. R3	BLM.. NM	NM... Sen	FWS. SOC
Rio Grande Cutthroat Trout	Oncorhynchus clarki virginalis	-	-	s	-	s m	-
Gila Trout	Oncorhynchus gilae	E m	T	s	-	-	-
Longfin Dace	Agosia chrysogaster	-	-	-	s	-	s
Rio Grande Chub	Gila pandora	-	-	-	-	s	-
Rio Grande Sucker	Catostomus plebeius	-	-	s	-	-	-
White Sands Pupfish	Cyprinodon tularosa	g	T	-	-	n	s
Arizona Toad	Bufo microscaphus microscaphus	-	-	s	s	s	s
Chiricahua Leopard Frog	Rana chiricahuensis	P	-	s	-	s	-
Northern Leopard Frog	Rana pipiens	-	-	s	-	-	-
Big Bend Slider	Trachemys gaigeae	-	-	-	-	s	-
Texas Horned Lizard	Phrynosoma cornutum	-	-	s	s	-	s
Desert Kingsnake	Lampropeltis getula splendida	-	-	s	-	-	-
Texas Longnose Snake	Rhinocheilus lecontei	-	-	s	-	-	-
Desert Massasauga	Sistrurus catenatus edwardsii	-	-	s	-	-	-
Brown Pelican	Pelecanus occidentalis carolinensis	E	E	s	-	-	-
Neotropic Cormorant	Phalacrocorax brasilianus	-	T	s	-	-	-
Great Egret	Ardea alba egretta	-	-	s	-	-	-
Snowy Egret	Egretta thula brewsteri	-	-	s	-	-	-
White-faced Ibis	Plegadis chihi	-	-	s	s	-	s
Mississippi Kite	Ictinia mississippiensis	-	-	s	-	-	-
Bald Eagle	Haliaeetus leucocephalus	T mg	T	s	-	-	-
Northern Goshawk	Accipiter gentilis	-	-	s	s	s	s
Northern Gray Hawk	Asturina nitida maximus	-	-	s	s	-	s
Common Black-hawk	Buteogallus anthracinus anthracinus	-	T	s	-	-	-
Swainson's Hawk	Buteo swainsoni	-	-	s	-	-	-
Ferruginous Hawk	Buteo regalis	-	-	s	s	-	s
Aplomado Falcon	Falco femoralis septentrionalis	E mg	E	s	-	-	-
American Peregrine Falcon	Falco peregrinus anatum	m	T	s	-	-	-
Western Snowy Plover	Charadrius alexandrinus nivosus	-	-	s	-	-	-
Mountain Plover	Charadrius montanus	P	-	s	-	s	-
Black Tern	Chlidonias niger surinamensis	-	-	-	s	-	s
Common Ground-dove	Columbina passerina pallescens	-	E	s	-	-	-
Elf Owl	Micrathene whitneyi whitneyi	-	-	s	-	-	-
Burrowing Owl	Athene cunicularia hypugaea	-	-	-	s	-	s
Mexican Spotted Owl	Strix occidentalis lucida	T (h)mg	-	s	-	s	-
Lucifer Hummingbird	Calothorax lucifer	-	T	s	-	-	-
Belted Kingfisher	Ceryle alcyon	-	-	s	-	-	-
Southwestern Willow Flycatcher	Empidonax traillii extimus	E h	E	s	-	-	-
Loggerhead Shrike	Lanius ludovicianus	-	-	-	s	-	s
Bell's Vireo	Vireo bellii	-	T	s	-	-	-
Gray Vireo	Vireo vicinior	-	T	s	-	-	-
Sprague's Pipit	Anthus spragueii	-	-	s	-	-	-
Baird's Sparrow	Ammodramus bairdii	-	T	s	s	-	s
Varied Bunting	Passerina versicolor	-	T	s	-	-	-
Western Small-footed Myotis Bat	Myotis ciliolabrum melanorhinus	-	-	-	s	s	s
Yuma Myotis Bat	Myotis yumanensis yumanensis	-	-	-	s	s	s
Occult Little Brown Myotis Bat	Myotis lucifugus occultus	-	-	s	s	s	s
Long-legged Myotis Bat	Myotis volans interior	-	-	-	s	s	s
Fringed Myotis Bat	Myotis thysanodes thysanodes	-	-	-	s	s	s
Long-eared Myotis Bat	Myotis evotis evotis	-	-	-	s	s	s
Pale Townsend's Big-eared Bat	Plecotus townsendii pallescens	-	-	s	s	s	s

P.O. Box 475
Cerrillos, NM 87010
April 18, 2001

Tom Phillips, EIS Team Leader
BLM - Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

Dear Mr Phillips:

I urge you to do all you can to protect the Otero Mesa from the potentially devastating effects of oil and gas exploration.

This endangered mesa provides irreplacable habitat for many species of wildlife who cannot speak for themselves. On their behalf, I ask you to support Alternative B and do all you can to avoid disturbing sensitive areas.

Thank you,
Emily Glaser

April 21, 2001

Tom Phillips
BLM-Las Cruces
1800 Marquess St.
Las Cruces, NM 88005

Tom,

I'm writing to encourage you to support Alternative "B", to better protect the Otero Mesa from damage from oil exploration.

New Mexico's native grasslands have been damaged from grazing and other uses. We need to protect all existing remnants of what used to be a rich part of New Mexico's natural heritage.

A [In addition, strict requirements for reclamation should be made.]

B [Any determination of an existing road should be field verified.] [No surface occupancy—

A [See response to Comment E, Letter 40.

B [See response to Comment A, Letter 44.

C [No road building should be allowed within 1/2 mile of riparian areas or wetlands.

Thanks for your consideration,
Sincerely,

Rick Besser
22 Verado Rd.
Tijeras NM 87059

C [See response to Comment B, Letter 23.

FOREST GUARDIANS

April 21, 2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

re: Comments on Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for Federal Fluid Mineral Leasing and Development in Sierra and Otero Counties

Dear Mr. Phillips:

FOREST GUARDIANS is a non-profit group with offices in Santa Fe, New Mexico. Our mission is to protect and restore the native biological diversity of forests, grasslands, deserts and rivers of the Southwest and northern Mexico. A primary goal is to protect our public lands, including the public lands management by the Bureau of Land Management. FOREST GUARDIANS has over 3000 individual and business members throughout the U.S. Many of our business members, individual members and staff use and enjoy BLM lands in Sierra and Otero counties for recreational, aesthetic and scientific activities.

The following are FOREST GUARDIANS comments to the RMPA/DEIS.

A. The BLM is not using its authority to recover the federally-endangered northern aplomado falcon as required by the Endangered Species Act.

A Section 7(a)(1) of the Endangered Species Act requires that all federal agencies develop programs to provide for the conservation of federal threatened and endangered species. Despite the current threatens posed by oil/gas development to the federally-endangered northern aplomado falcon (*Falco femoralis spetentrionalis*), the BLM does not have a program that provides for the conservation of this species.

The U.S. Fish and Wildlife Service has strongly urged the BLM to develop a conservation program for aplomado falcon with an emphasis on the preservation of intact habitat on Otero Mesa which is currently targeted for oil/gas development. Otero Mesa is one of the few places in the U.S. where aplomado falcons have been regularly seen, with four confirmed

1411 Second Street, Santa Fe, NM 87505
www.fguardians.org ▼ swwild@fguardians ▼ 505-988-9126 ▼ 989-8623 (fax)

A BLM has completed Section 7 consultation with USFWS on the RMPA.

A (cont.)

sitings by qualified ornithologist in the past decade and seven sitings in the planning area alone in 1999. The loss and fragmentation of essential habitat is the biggest threat to recovery of the aplomado falcon. Otero Mesa is critical for the recovery of the aplomado falcon because it is the largest expanse of unfragmented Chihuanhuan desert grassland left in the U.S. and it is close to aplomado falcon breeding populations in northern Mexico.

To comply with the Endangered Species Act, we urge the BLM to develop a comprehensive plan to conserve aplomado falcon habitat. Such a plan should clearly identify areas that are critical for the recovery of the species and protection for the overall biological diversity of the desert grassland ecosystem. Actions to mitigate the damage caused by oil/gas development cannot take the place of adequate planning to conserve species.

B

B. Oil/gas development on Otero Mesa is contrary to the 1990 aplomado falcon recovery plan.

The 1990 aplomado recovery plan states that " . . . suitable habitat in the United States and Mexico should be identified and protected . . ." and stresses that "Particular attention should be directed toward suitable habitat on public lands." Otero Mesa is the most extensive unfrgamented aplomado habitat on public lands in the U.S. To degrade this habitat in anyway is contrary to the goals of the recovery plan. We urge the BLM to fully comply with the aplomado falcon recovery plan and proactively delineate areas on public lands critical to the recovery effort.

C

C. The RMPA/DEIS fails to develop and evaluate a full range of reasonable alternatives as required by the National Environmental Policy Act.

The Council on Environmental Quality regulations which implement the National Environmental Policy Act require that agencies rigorously explore and objectively evaluate a full range of reasonable alternatives 40 C.F.R. § 1502.14. This range of alternatives must include reasonable alternatives not within the jurisdiction of the lead agency 40 C.F.R. § 1502.14(c).

The three alternatives that the BLM has evaluated in this case all implement oil/gas development to varying degrees, including the no-action alternative. The U.S. Fish and Wildlife Service has recommended that BLM consider a true no-action alternative that would consider no further mineral leasing in the planning area. The BLM failed to heed this prudent recommendation. As the Fish and Wildlife Service pointed out, a true no-action alternative would provide a benchmark to compare the numerous environmental impacts of the action alternatives, including livestock grazing.

The RMPA/DEIS violate NEPA by failing to develop and evaluate a true no-action alternative. At a minimum, we recommend that BLM develop a no-action alternative that calls for no new mineral leasing within critical habitat needed to recover the aplomado falcon. Failure to do so renders this analysis faulty flawed.

– 2 –

B In its review of existing resources, BLM identified portions of Chihuahuan Desert grassland on Otero Mesa and in the Nutt area as being important habitat. The stipulation BLM has proposed for these grasslands is intended to minimize impacts on the habitat.

C Refer to Section 2.3.1.1 of the PRMPA/FEIS under the heading No New Leasing for Fluid Minerals Development.

D. Oil/gas exploration and development may lower air quality to non-attainment status.

D The extensive development called for in the RMPA/DEIS may violate National Ambient Air Quality Standards. At present there is only one monitoring station in the 7 million acre planning area which does not generate sufficient data to determine whether air quality standards are currently being violated.

However, it appear certain that air quality will diminish through construction of roads and drill pads, emissions from machinery, releases from wells and pipelines and accidents that result in well fires. These activities will degrade air quality and may lead to non-attainment status for the airshed which includes national parks, wilderness areas and wildlife refuges.

E. The RMPA/DEIS has failed to coordinate increased oil/gas development with policies being developed under the the Global Climate Change Prevention Act of 1990.

E The Global Climate Change Prevention Act of 1990 mandates the establishment of a Global Climate Change Program that serves as a focal point to coordinate all issues related to climate change among federal agencies. The increase in oil/gas development being considered in the RMPA/DEIS will have a significant impact on global climate change. However, no mention is made in the RMPA/DEIS of these impacts or whether this programatic plan to increase oil/gas development has been coordinated with the Office of Science and Technology Policy regarding issues of climate change.

We suggest that the RMPA/DEIS quantify the amount of greenhouse gases that this project will generate and assess the impact of this discretionary human activity on the accelerating heating of the planet.

FOREST GUARDIANS appreciates the opportunity to comment on the RMPA/DEIS. Please send us the final EIS when it is issued.

Sincerely,

Sam Hitt
Founder

D Section 4.2.1.6, Air Quality, adequately addresses the character of potential impacts on air quality for the purpose of this document. This is an EIS on a Proposed RMPA for BLM s fluid minerals program in Sierra and Otero Counties. Therefore, the EIS will not result in ground-disturbing activities or project operations. Potential impacts cannot be quantified (e.g., through modeling) until specific plans for development are known. At that time, potential project specific air quality impacts (direct, indirect and cumulative) would be analyzed, disclosed, and subject to public comment before actual development may occur. In addition, both the Clean Air Act and FLPMA prohibits the BLM from lowering "air quality to nonattainment status."

E BLM is aware of the statutory requirements under the Global Climate Change Prevention Act, including coordination with the Secretary of Agriculture through the Office of Science and Technology Policy. BLM also is aware that eventual development of oil and gas, or geothermal resources, has the potential to emit so-called "greenhouse" gases, including carbon dioxide and methane. However, given the fact that there are no air pollutant emission limitations for so-called "greenhouse" gasses, it is not appropriate to estimate quantities of greenhouse gases in this RMPA/EIS.

Audubon NEW MEXICO

Randall Davey Audubon Center
P.O. Box 9314
Santa Fe, NM 87504-9314
Tel: 505-983-4609
Fax: 505-983-2355

April 23, 2001

Mr. Tom Phillips, EIS Team Leader
BLM – Las Cruces Office
1800 Marquess St.
Las Cruces, NM 88005

Dear Mr. Phillips,

The Draft Resource Management Plan and Environmental Impact Statement for Federal Leasing and Development in Sierra and Otero Counties reflects much thoughtful work on your part. After reviewing the various alternatives studied in the Draft, Audubon-New Mexico finds Alternative B to be the much-preferred alternative in protecting important natural resources.

As part of your final consideration I ask that you consider the following recommendations.

A - Manage all nominated Areas of Critical Environmental Concern (ACEC's) as if they were ACEC's until final designation is made.

B - [We urge you to adopt your "150 meter on either side of existing roads" restriction for all areas open to development]

C [All "existing" roads that are determined by satellite imagery should be verified in the field. All "existing" roads should be verified and mapped at the time of the adoption of the final plan so as to limit the building of new roads.]

D - Special protection consideration should be given to Otero and Nutt grasslands. These are unique desert grasslands, some of the last of their kind remaining in the United States portion of the Chihuahuan Desert. They should be protected as ACEC's or as Research Natural Areas with an emphasis on non-invasive research.

E - Special attention should be given to protect the Pronghorn Antelope herd found in the area as well as the few remaining Black-tailed Prairie Dog colonies. Also, special attention should be giving to protection of habitat for the endangered Aplomado Falcon .

I appreciate your consideration of my comments on behalf of our 4000 Audubon members in New Mexico.

Sincerely,

David Henderson
Executive Director
Audubon-New Mexico

A See response to Comment A, Letter 18.

B See response to Comment C, Letter 23.

C See response to Comment A, Letter 44.

D See response to Comment A, Letter 61.

E Adequate protection can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such restrictive measures can be imposed through conditions of approval attached to the APD.

RMPA/EIS
FOR FEDERAL FLUID MINERALS LEASING
AND DEVELOPMENT IN SIERRA AND OTERO COUNTIES

U.S. Department of the Interior • Bureau of Land Mangement • Las Cruces Field Office

COMMENTS

Public Hearings

April 3, 4, and 5, 2001

LEAVE COMMENTS AT REGISTRATION TABLE OR MAIL THEM

Comments, including names and street addresses of respondents will be available for public review at the BLM Las Cruces Field Office during regular business hours (7:45 a.m. to 4:30 p.m.) Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Name/Organization (Please Print) Jane Schafer

Address: P.O. Box 316 Dell City, TX **Zip Code:** 79837

Comments: Oil Companys should make sure that all drilling sites are kept clean as well as all the surrounding area in which they may trespass. They should be liable for any damages to Roads, Water tables, (if water should become contaminated from exploration) and Livestock. Damages should be paid to the Allotment owners for use of the Federal lands. The Allotment owner pays a fee for the use of the land and forage, therefore should receive compensation whenever there is exploration of any kind on the allotment.

A

Add Additional Pages as Needed

Signature: Jane Schafer

Fold this form (leaving the address and postage exposed) and tape or staple the edges together before mailing. No postage required. **Thank you for your comments!**

A Private surface owners are compensated according to the regulations in 43 CFR 3814. The BLM has no rules and no requirements for compensating allottees on Federal surface. The BLM does not compensate Federal grazing lessees for losses or damages due to permitted activities on public land.

Post Office Box 238
Ft. Wingate, NM 87316
April 17, 2001

Tom Phillips, EIS Team Leader
BLM- Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

Sir:

Can we not leave a little of the Earth as an original system. Please support Alternative B in your assessment, and think of the falcon homes out there.

Sincerely,

Stan Renfro

Stan Renfro

New Mexico Wilderness Alliance

P.O. Box 25464 • Albuquerque, NM 87125 • 505-843-8696 • nmwa@nmwild.org

April 20, 2001

Tom Phillips, RMPA/EIS Team Leader
BLM - Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

RE: EIS Comments on Federal Fluid and Mineral Leasing and Development in Sierra and Otero Counties

Dear Sir,

On behalf of the 1,550 members of the New Mexico Wilderness Alliance, I am writing to express our official comments on the Draft Resource Management Plan and Environmental Impact Statement for Federal Fluid and Mineral Leasing in Otero and Sierra Counties.

While we believe the entire Chihuahuan Desert grasslands habitat of southern New Mexico contains unique features and wild character worth protecting, we believe the area most at risk is in southern Otero County, south of the Sacramento Mountains and east of McGregor Range - the Otero Mesa Habitat Area. This portion of the RMPA/EIS Planning Area contains relatively few roads and some of the best remnant grasslands remaining in the entire state. These grasslands are home to many species dependent on that specific habitat.

Because of the grasslands and the presence of small, yet viable Prairie Dog colonies, there are several species of concern which have the best opportunity for success in the greater Otero Mesa area. These include Aplomado Falcons, Ferruginous Hawks and Mountain Plovers. There is also a very important and unusually intact Pronghorn herd occupying the remnant grasslands. The area serves well as far as connectivity between other expanses of public lands such as those in the Sacramento Mountains and the Guadalupe Mountains (Lincoln National Forest, Carlsbad Caverns and Guadalupe Mountains National Park). Besides Pronghorn other large animals utilizing this corridor would be Mule Deer, Bobcats, Coyotes, and Mountain lions. As our population grows these unspoiled areas will become more and more vitally important to the health of all species, including ourselves.

A Oil and gas development along with its associated road and well pad construction, power lines and pipelines will devastate the area as it has to the east in nearby Eddy County in

A The Proposed Plan (Alternative A Modified) in this PRMPA/FEIS would provide for adequate protection of resources while allowing industry to achieve the RFD.

Regarding hydrogen sulfide gas, see Comment D, Letter 24.

A (cont.) the Indian Basin between Carlsbad and Artesia, NM. This particular area in Eddy County has become a virtual wasteland. Another aspect of oil and gas production in this general area is the possible presence of deadly hydrogen sulfide gas. It tends to settle in low lying areas posing a threat to humans as well as other animals, in particular ground nesting birds, reptiles and small mammals. This type of destruction is inconsistent with BLM's stated mission "to sustain the health, diversity and productivity of public lands for the use and enjoyment of present and future generations."

One of the most destructive activities associated with oil and gas development is the construction of roads. Roads fragment habitat and promote the spread of exotic plant species. Noxious weeds are already a serious problem in NM. Roads also decrease air quality by increasing dust, alter hydrological regimes resulting in accelerated erosion and eventual changes in plant communities, increase vehicle collisions with wildlife and open otherwise remote areas to increased off road vehicle (ORV) use. Poaching and harassment of wildlife will also increase as roads encroach farther and farther into an area. Increased ORV use in areas where new roads have penetrated besides directly crushing vegetation will result in soil compaction that impedes seed germination, seedling growth, and damage to fragile cryptobiotic crusts found on the surface of many arid soils. The same type of damage, although maybe to a lesser degree, can also be associated with the construction of power lines and pipelines.

First and foremost, the New Mexico Wilderness Alliance would like to go on record opposing any leasing for oil and gas drilling in the Otero Mesa Habitat Area. We believe this special area should remain intact and unspoiled for future generations despite any possible economic opportunities that exist. Therefore, the BLM should not open this area to leasing at all using a discretionary closure.

B Secondly, in the event the BLM does not exercise its discretion to close the entire Otero Mesa Habitat Area to leasing, we would like to comment on the existing alternatives. We have determined many of the stipulations in Alternative A (BLM's preferred alternative) do not adequately address the resource concerns in this area. While we appreciate the protective measures in Alternative A, we would support Alternative B. Alternative B better reflects the environmentally sensitive nature of the area and goes further to prevent habitat fragmentation and degradation. The modest protective measures proposed in Alternative A, which allows for leasing and surface occupancy in 89 percent of the Planning Area, are being blasted by oil and gas concerns as restrictive and unreasonable. Industry is supporting the No Action Alternative (continue with the existing management plan) which opens up most of the Planning Area to what are known as Standard Lease Terms and Conditions. This offers the area virtually no environmental protection.

Further, the New Mexico Wilderness Alliance would like to make the following additional recommendations to the BLM to include in your final EIS and RMP amendment. We believe these additional restrictions offer reasonable protection for the area's natural resources and will ensure minimum impact on one of our state's most unique and fragile habitats.

B See response to Comment A, Letter 44.

SPECIFIC COMMENT POINTS

B (cont.) ❖ Any determination of the presence of an "existing road" using satellite imagery must be verified in the field.

C ❖ All reclamation requirements should be strictly monitored and enforced (RMPA/EIS pages A-III-13 and A-III-14). All disturbed land, including damage done during geophysical exploration, should be restored to pre-project condition. All roads no longer needed for continued well operations should be permanently closed.

D ❖ No Surface Occupancy (NSO) or road construction within .5 miles of Riparian/Wetlands/Playas. These areas are so rare and critical to the survival of many species in the desert environment, they should be given maximum protection.

E ❖ Discretionary Closure of the Otero Mesa and Nutt desert grassland habitat areas. These grasslands provide critical habitat for pronghorn and many other species. According to Brian Nygren, District Wildlife Supervisor for the NM Game and Fish Department Pronghorn have definitely been displaced by oil and gas activity just east of the Planning Area, in Eddy County. In that area there has been a dramatic decline in the number of Pronghorn. Pronghorn have lost a great deal of their range in the past 150 years. Unlike Mule Deer, which are browsers and have actually benefited from the invasion of shrubs into grassland as the result of livestock grazing, Pronghorn need grasslands to survive and reproduce. (RMPA/EIS page 2-10) According to the Federal Land Policy and Management Act and Dept. of Interior policy (43 CFR Part 24.4), BLM is primarily a habitat manager. Alternative A's stipulation of NSO except within 492 feet of existing roads within the remnant grasslands does not adequately protect these critical areas. Any area identified as being suitable habitat for pronghorn should be discretionarily closed.

F ❖ In the event the Jornada del Muerto Wilderness Study Area (WSA) or Brokeoff Mountains WSA are not designated as wilderness it is critical that these areas are discretionarily closed. Areas designated as WSAs have met strict roadless requirements and are some of the few remaining unspoiled areas in our state. They should remain roadless and wild.

G ❖ Discretionary Closure of all Nominated Areas of Critical Environmental Concern(ACEC). (RMPA/EIS page A-V-22) "It is BLM policy (manual 1613.21E) to manage Nominated ACECs to maintain their condition until they can be fully evaluated through the resource management planning process." Discretionary closure of these areas is necessary to realize this goal.

H ❖ The RMPA/EIS has identified herds of big game which have specific management goals. Areas occupied by these herds as well as areas with active raptor nests and riparian/wetland habitats are under the stipulation that development of an area requires the "maximum use of existing road and/or other utility corridors to minimize the potential for increased habitat fragmentation." This stipulation should go further and prohibit the construction of new roads in these areas.

I ❖ Discretionary Closure and no geophysical exploration allowed in watershed areas to prevent accelerated erosion and watershed values.

J ❖ None of the three alternatives presented in the RMPA/EIS contains any stipulations for the protection of crucial habitats: grasslands, montane, and scrub. This encompasses

C See response to Comment B, Letter 100.

D See response to Comment B, Letter 23.

E See response to Comment D, Letter 100.

F See response to Comment E, Letter 81.

G See response to Comment A, Letter 23.

H See response to Comment A. Letter 31.

I See response to Comment H, Letter 100.

J See response to Comment I, Letter 100.

J (cont.) an area of approximately 729,457 acres. At the very least this area should be designated as controlled surface use.

K ❖ Discretionary Closure of occupied or essential habitat for Special Status Species. These include all Federally listed threatened and endangered species, species proposed for Federal listing, Federal candidates, BLM sensitive species and State-listed species.

L ❖ Discretionary Closure for the Percha Creek Riparian Habitat Area. Besides providing critical habitat for many desert species this area is also suitable habitat for the Federally endangered Southwest Willow Flycatcher.

M ❖ Discretionary Closure for Visual Resource Management (VRM) class II areas. Oil and gas development is inconsistent with the requirement that "changes in any of the basic elements caused by a management activity should not be evident in the characteristic landscape. Contrasts are seen but must not attract attention."

N ❖ Controlled Surface Use for VRM class III areas. Oil and gas development are inconsistent with the requirement that "contrast to the basic elements, caused by a management activity is evident, but should remain subordinate to the existing landscape."

O ❖ Discretionary Closure of ORV limited areas. Also, geophysical exploration should not be allowed in these areas. If ORV use is being restricted in an area to protect resources then a drilling rig or vehicles used in seismic exploration should not be allowed in the area.

P ❖ Discretionary Closure of the Cuchillo Mountains Pinon Nut Collection area. This area is very important to some families.

Should you have any questions about these official comments of the New Mexico Wilderness Alliance, please do not hesitate to call me directly at 505-843-8696. Thank you for this opportunity to submit our comments for the official public record.

Please protect Wilderness -- New Mexico's Natural Heritage.

Sincerely,

Edward Sullivan
Executive Director

K See response to Comment A, Letter 23.

L See response to Comment K, Letter 100.

M See response to Comment L, Letter 100.

N See response to Comment M, Letter 100.

O See response to Comment N, Letter 100.

P See response to Comment C, Letter 25.

Dear Mr Phillips — 4-25-01

I am writing about Otero Mesa, & it's value to the state of New Mexico & the USA. I am asking that no permits for cattle grazing, oil, or other human heavy use be issued. Leave it in it's natural state!

A

Diane Plummer
432 Aliso Dr, NE, Alb. NM
~~87108~~ 87108

COI 2245 photos © Larry Pierce, and © Dann Coffey 60¢

© Mountain Sights Inc. (303) 926-4500

Tom Phillips
EIS Team Leader, BLM
1800 Marquess St
Las Cruces, NM
88005

A [See response to Comment A, Letter 1.

State of New Mexico
ENVIRONMENT DEPARTMENT
Office of the Secretary
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502-6110
Telephone (505) 827-2855
Fax: (505) 827-2836

GARY E. JOHNSON
GOVERNOR

PETER MAGGIORE
SECRETARY

PAUL R. RITZMA
DEPUTY SECRETARY

April 20, 2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

RE: **DRAFT RESOURCE MANAGEMENT PLAN AMENDMENT AND ENVIRONMENTAL IMPACT STATEMENT FOR FEDERAL FLUID MINERALS LEASING AND DEVELOPMENT IN SIERRA AND OTERO COUNTIES (U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, LAS CRUCES FIELD OFFICE, OCTOBER 2000)**

This transmits New Mexico Environment Department (NMED) comments concerning the above-referenced Draft Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS).

SURFACE WATER QUALITY

The Surface Water Quality Bureau (SWQB) staff's review has not identified any significant environmental concerns or conflicts with existing State water quality regulations.

Purpose of and Need for Action

Because the Bureau of Land Management's (BLM) existing 1986 Resource Management Plan (RMP) lacks specifics and there is an increased interest in exploration in these Counties, an amendment to the RMP is needed to guide leasing decisions on public lands in order to comply with 1992 supplemental guidelines. These guidelines require the BLM to determine which lands overlying Federal fluid minerals are suitable and available for leasing and development and how those leased lands will be managed. Alternative A or B would certainly provide more environmental controls to protect highly erosive soils, watersheds, riparian, wetland and playa areas from surface activities. These alternatives would have a beneficial affect for water quality as compared to no-action. Alternative B would provide the most protection to surface water quality.

Permits Required for Implementation

A **2.2.4. Water Resources:** The BLM states that National Pollutant Discharge Elimination System (NPDES) coverage under the general storm water discharge permit for construction activities

A This information has been added to the text of Section 2.2.4 of the PRMPA/FEIS.

Tom Phillips
April 20, 2001
Page 2

A (cont.) [Clean Water Act (CWA), Section 402] may be required if the project encompasses 5 or more acres. It should be stated that U.S. Environmental Protection Agency (EPA) is in the process of changing the permit area to greater than 1 acre and should take effect by March, 2003. It should also be stated that further coverage under NPDES may be required under the multi-sector general permit for storm water discharges with industrial activities. A Notice of Intent to discharge needs to be filed with EPA.

B A permit from the U.S. Army Corps of Engineers (ACE) under Section 404 of the CWA may be required to excavate or fill waters of the United States. Areas that may be affected in the planning area may include stream channels, wetlands, springs, seeps, playas, mudflats or sandflats. If a Section 404 permit is required a Section 401 Water Quality Certification from the NMED's SWQB will also be required before a 404 permit can be issued.

Environmental Commitments

We support BLM's Surface Use and Best Management Practices found in Appendix A-III. The implementation of best management practices is imperative to assure that Water Quality Standards will be met during the implementation of this Resource Management Plan.

GROUND WATER QUALITY

A representative of the Department's Ground Water Quality Bureau (GWQB) attended a public hearing on this initiative in Truth or Consequences on January 11, 2001. The following comments are based on a review of the information contained in the Draft RMP/EIS and that provided at the public hearing.

C **Page 2-5, Section 2.2.4 Water Resources, Paragraph 3:** *The comprehensive set of regulations is designed to protect all groundwater with a total dissolved solids (TDS) concentration of 10,000 milligrams per liter or less for present and potential future use as domestic and agricultural water supply (NMWQCC 1996).*

Several portions of the WQCC Regulations have been updated and/or modified. The current set of regulations should be referenced as follows: 20.6.2NMAC New Mexico Water Quality Control Commission Regulations, January 15, 2001. Copies of the new regulations can be obtained by request at the address on the letterhead.

D **Page 2-6, Section 2.2.4 Water Resources, Paragraph 1:** *In addition, stormwater discharge permits are required for construction activities disturbing 5 or more acres of land as covered under Section 402 (p) of the Clean Water Act.*

As of March 2003, storm water discharge permits will be required for all construction activities disturbing 1 or more acres of land as described in the Federal Register / Vol. 64 / No. 135 Wednesday, December 8, 1999. Several references to storm water permits are made in the reviewed material, we recommend that the final document accurately reflect the change in acreage.

E **Page 4-17, Section 4.2.4 Water Resources, Paragraph 2:** *As the conditions that would cause an impact are many and quite complex, it is not possible to quantify the impact. Based strictly on the lateral extent of the potential contamination, the regional impact on groundwater resources within the Decision Area would not be significant.*

B This information has been added to the text of Section 2.2.4 of the PRMPA/FEIS.

C This information has been added to the text of Section 2.2.4 of the PRMPA/FEIS.

D This information has been added to the text of Section 2.2.4 of the PRMPA/FEIS.

E This information has been added to the text of Section 4.2.1.4 of the PRMPA/FEIS.

Tom Phillips
April 20, 2001
Page 3

E (cont.) Regardless of regional impact, any exceedence in WQCC 20.6.2.3103 ground water standards is a quantifiable impact to the ground water in New Mexico. All discharges from oil, natural gas or geothermal installations that have the potential to contaminate ground water are regulated by the New Mexico Oil Conservation Division (NMOCD) under the WQCC Regulations.

F **Page 4-19, Section 4.2.4 Water Resources, Paragraph 3:** *Geothermal waters would be expected to be of poorer quality than the first available groundwater, therefore, surface spills and leaks from the production/injection well could degrade water quality. However, the impacts would tend to be limited to the area of the geothermal production facility and, therefore, probably would not be significant to the groundwater system. The geothermal production facility is likely to need fresh water also. Therefore, the facility would have an added incentive to ensure the protection of the groundwater supply.*

Degradation of the ground water up to the limit of the standard of WQCC 20.6.2.3101 is allowed; however, no degradation of the ground water beyond the limit is allowed. Any leaks or spills from a NMED regulated facility are required to be reported under WQCC 20.6.2.1203; while any leaks or spills from a NMOCD regulated facility must report under the discharge notification requirements promulgated by the NMOCD. In either situation, if WQCC 20.6.2.3103 ground water standards are exceeded for any constituent in first ground water, the operator is required to abate ground water pursuant to WQCC 20.6.2.4000 regardless of whether the impact is on a local or regional ground water scale.

AIR QUALITY

This document is intended to amend the 1986 EIS, and to provide a comprehensive framework for managing the BLM-administered public land and resources and for allocating land uses. It considers three alternatives:

No Action Alternative - existing management direction would continue.
Alternative A - incorporates legislative and regulatory requirements and/or management objectives that likely would be specified on a case-by-case basis under existing land management practices.
Alternative B - the protection of other resources takes precedent over the ability to explore for or exploit oil and gas resources.

G While the discussion of air quality concerns is relatively complete, the NMED's Air Quality Bureau (AQB) would like to recommend that the BLM consider and include additional issues.

The BLM has not considered additional emissions from ancillary equipment from oil and gas processing equipment, some of which can be considerable. Collection and processing occurring at producing well heads (particularly for natural gas) involves dehydration, identified as a process in Appendix B of this draft report. Dehydration is a process that can produce a large amount of volatile organic compounds (VOCs), sometimes tens or even hundreds of tons of VOCs per unit per year, in addition to water vapor. Most companies are now recovering VOCs from these units using condensers, since condensate is a marketable product. The BLM should be aware that there are many sources of VOCs at these sites, including heater-treaters, tank batteries, dehydrators, valves, etc. The draft document appears to concentrate on emissions from compressors, dirt roads, and drill pad operations. However, since it cannot be

F This information has been added to the text of Section 4.2.1.4 of the PRMPA/FEIS.

G This information has been added to the text of Section 4.2.1.6, under Air Quality, General Impacts, Production Phase, of the PRMPA/FEIS.

Tom Phillips
April 20, 2001
Page 4

G (cont.) predicted if well fields will ever be developed in this area, or future well density or productivity, this comment is informational only.

H Hydrogen sulfide is also a concern, since many oil and gas wells in reservoirs in the southeastern part of New Mexico produce this gas. Hydrogen sulfide is a state regulated air contaminant.

I There are four air quality Class 1 Wilderness Areas surrounding the Planning Area: Gila, Bosque del Apache, White Mountain, and Carlsbad Cavern National Park. Air quality permitting limitations may be imposed on those oil and gas development and production sites within 25 kilometers of any Class 1 area.

J Additionally, there are Regional Haze regulations that require states to review how pollution emissions affect visibility in Class 1 areas. These rules require states to make "reasonable progress" in reducing any effect this pollution has on visibility conditions in Class 1 areas and to prevent future impairment of visibility. New Mexico is required by this rule to analyze a pathway that takes the Class 1 areas from current conditions to "natural conditions" within 60 years. "Natural conditions" is a term used in the Clean Air Act, and means that no human-caused pollution can impair visibility. This program is designed to improved regional visibility throughout the U.S. This draft report should consider impact to visibility as required by this regulation.

We appreciate the opportunity to comment on this document. Please let us know if you have any questions on the above.

Sincerely,

Pete Maggiore
Secretary

NMED File No. 1415ER

H This information has been added to the text of Section 2.2.5 of the PRMPA/FEIS.

I This information has been added to the text of Section 2.2.5 of the PRMPA/FEIS.

J This information has been added to the text of Section 2.2.5 of the PRMPA/FEIS.

Letter 114

Mrs. Robert M. Duncan
3706 Pershing Avenue S.E.
Albuquerque, New Mexico 87108

April 27, 2001

Dear Mr. Phillips,

Even though I do not live in Otero County, I wish to beg you, as a person of considerable influence in that county, to vote against oil drilling in that area. It would be very destructive to the Mesa Habitat, endangering our New Mexico wildlife.

Let's try to keep our State the unique + wonderful place it is, without selling out to the oil interests.

Sincerely,
Breck Duncan

Letter 115

Dear Mr. Phillips, Thursday April 26, 2001

I am submitting an official comment regarding the RMPA/EIS process addressing Federal Fluid minerals leasing in Otero and Sierra Counties that your office has recently initiated. I am strongly opposed to the office's actions. The process will only add to the endangerments of New Mexico's grasslands and wildlife. The BLM should reconsider and explore all measures as a result of drilling. However, if the process falls through, Plan B should be enforced. The alternative calls for strict management of the drilling. Preventive measures must be taken to save what wildlife and wilderness ~~is~~ left in the area of Otero Mesa. Once again, consider the big picture.

Cordially yours

Mr. Tom Phillips
EIS Team Leader
BLM Las Cruces
1800 Marquess Street
Las Cruces, NM 88005

April 27, 2001

Dear Mr. Phillips,

I am writing to oppose further oil and gas exploration on the Otero Mesa. I am a member of the New Mexico Wilderness Alliance, and it is important to me that environmentally sensitive and precious parts of our state be protected from increased human activity. Thank you for taking my opinion into account.

Sincerely,

Eva Thaddeus
807 Parkland Circle, SE
Albuquerque, NM 87108

26 April 2001

Please protect Otero Mesa from oil and gas drilling.

A Please do not allow any road construction
B near rivers or wetlands; require strict
C reclamation, and do not permit new roads.

Gail Ryba

Gail Ryba, 145 W. Za Rd, Santa Fe NM 87505

A See response to Comment B, Letter 23.

B See response to Comment E, Letter 40.

C See response to Comment A, Letter 31.

1/26/01

RECEIVED

'01

LAS

Dear Sir:

Please — Do not allow leases which will defile and/or Destroy the Otero Mesa Habitat —

Thank You

Eileen Sandalwood

S Eileen Sandalwood
4012 Willowbrook Pl NW
Albuquerque, NM 87114

OCEDC
Otero County Economic Development Council, Inc.
Jobs • Diversification • Stability
1301 N. White Sands Blvd., Alamogordo, NM 88310 USA
web site: www.alamogordo.com e-mail: chamber@wazoo.com
(505) 434-5882 Fax (505) 437-7139

May 7, 2001

'01 MAY -8 P1:55

Mr. Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

Otero County Economic Development Council, Inc. (OCEDC) would like to respond to the letter from
Ms. Amy L. Lueders, dated May 4, 2001 regarding the Draft Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS) for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties.

A Along with other citizens of Otero County, OCEDC members voiced their concerns during the meeting held April 4, 2001 at the County of Otero Courthouse. Our concerns included the inability to pursue safe and expeditious exploration of fluid minerals (natural gas and petroleum) in the Tularosa Basin as being a detriment to future businesses either growing or expanding in the area; concern about the financial impact on the County of Otero and the quality of life for our residents if the fluid minerals were not captured; and concerns about being responsible stewards of the property under discussion.

When you are considering all of your data, please remember that OCEDC is not in support of the actions outlined in your RMPA and EIS. Please amend your plans to benefit all of the citizens of our county.

Sincerely,

Larry Shulse

Larry Shulse
President

Cc: Steve Yates, HEYCO

A Based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM re-evaluated the use of the NSO stipulation and has developed a stipulation to control surface use by limiting industry s disturbance to no more than 5 percent of the leasehold at any one time and requiring the new lessees to form exploratory units prior to commencing drilling activity. This would allow industry to achieve the RFD with less restriction while providing adequate resource protection.

309 Sierra Pl NE
ABQ NM 87108
May 5, 2001

Tom Phillips
BLM-Las Cruces office
1800 Marquess St.
Las Cruces, NM 88005

Dear Mr. Phillips:

I am writing about Otero Mesa.
Please protect it by:

A 1. strictly monitoring and enforcing reclamation requirements for all disturbed land in the area;

B 2. verifying the presence of an existing road by visiting it in the field and

C 3 prohibiting surface occupancy or road construction within .5 miles of riparian areas, wetlands or playas.

Thank you.

Nancy Kreuzberg

A See response to Comment E, Letter 40.

B See response to Comment A, Letter 44.

C See response to Comment B, Letter 23.

ALAMOGORDO CHAMBER OF COMMERCE
(505) 437-6120 • Fax (505) 437-6334
1301 N. White Sands Blvd. • Alamogordo, New Mexico U.S.A. 88310

May 7, 2001

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

Per Ms Lueders' letter of May 4, 2001 the Alamogordo Chamber of Commerce would like to make written comment on the *Draft Resource Management Plan Amendment (RPMA) and Environmental Impact Statement (EIS) for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties*. As we stated in our oral comments, at the April 4th meeting here in Alamogordo, our chief complaint centers around the lack of concern and comment on human factors in your assessment. Your RMPA and EIS does not adequately address the economic impact oil and natural gas exploration would have on our community. The existing businesses in Alamogordo have already been impacted by the Endangered Species Act and its effect on the logging industry in Otero County. The actions you propose in your draft document would only further hurt our Chamber businesses. We feel that your plan needs to be amended to allow the safe and expeditious exploration and use of the natural gas and petroleum found in the Tularosa Basin. **A**

Sincerely,

Jan Jeter
President

Cc:

State Director, New Mexico
Acting Director, BLM

"TAKING CARE OF BUSINESS"
Web Site: www.alamogordo.com E-mail: Chamber@Alamogordo.com

A The sections relating to Social and Economic Conditions in Chapters 3 and 4 of the RMPA/EIS adequately address the issues for this RMPA/EIS.

Letter 122

Doña Ana Co. Associated Sportsmen
P. O. Box 1417
Las Cruces, NM 88004-1417

May 16, 2001

Mr. Tom Phillips
RMPA/E15 Team Leader
Bureau of Land Management
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

I reviewed all of Chapter 2 and several segments of Chapter 3 and Chapter 4 of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties. The analyses appear to cover the environmental issues very well. Protection is provided in all areas where habitats/animals may be affected adversely.

However, I propose a point to ponder. Pure grasslands (such as some of Otero Mesa and the Nutt area) have remained productive because of limited amounts of disturbance. These include, but are not limited to, grazing by large herbivores and small mammals; some incidences of fires; rights-of-ways, roads, etc. All of these change successional stages and provide benefits to various species for some limited time. Studies have indicated areas with limited (managed) disturbances provide habitats for greater abundance and greater diversity of species than do "pure" habitats. What's my point? A limited amount of new roads, drill pads, etc. may not be detrimental if these are restored with native lower-successional vegetation following the exploration activities.

With that comment considered for the Final RMPA/EIS, the members of DACAS support the BLM's preferred alternative (Alternative A) for managing the fluid minerals leasing in Sierra and Otero counties.

Sincerely,

V. W. Howard, Jr.

V. W. Howard, Jr., Ph.D., CWB
President
Doña Ana Co. Associated Sportsmen

Letter 123

BURLINGTON RESOURCES

MID-CONTINENT DIVISION

May 21, 2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Re: Comments to DRMPA & EIS
For Federal Fluid Mineral Leasing & Development
Sierra & Otero Counties, New Mexico

Dear Mr. Phillips:

Burlington Resources Oil and Gas Company Company L.P. (BR) appreciates the opportunity to comment on the draft Resource Management Plan Amendment (RMPA) and Environmental Impact Statement (EIS) for federal fluid mineral leasing and development in Sierra and Otero Counties, New Mexico. We appreciate the 60-day and 45-day extensions that the BLM granted on the comment deadline, as this is truly an important and precedent-setting planning document for our industry.

BR is the second largest independent (non-integrated) oil and gas exploration and production company in the United States in terms of total domestic proved equivalent reserves. Those reserves were estimated to be equivalent to 10.3 trillion cubic feet of natural gas (TCFE) on December 31, 2000. We are the lessee of approximately ten-percent of the federal leases held by production and operate approximately ten percent of all wells located on federal oil and gas leases. BR currently has working interest in the Bennett Ranch Unit, a recent commercial discovery and nominated for leasing over 200,000 acres in Otero County in early 1998. BR also holds approximately 300,000 acres of leasehold directly south of this area in Hudspeth County, Texas. Therefore we are extremely interested in how oil and gas resources and associated activities will be managed under this RMPA.

General Comments:

Our nation's dependency upon foreign oil has increased from approximately 33% in the early to mid-1970's to nearly 60% today. While we currently import 15% of our natural gas, the demand for natural gas has risen dramatically, as demonstrated in California, and it is imperative for the U.S. to develop additional natural gas reserves in order to meet an ever-increasing demand. Responsible access to oil and gas reserves is paramount in meeting our nation's future energy demand. New Mexico is currently the largest gas producer in the lower 48 states, therefore plays a significant role in helping provide goods

3300 N. "A" St., Bldg. 6, 79705-5406, P.O. Box 51810, Midland, Texas 79710-1810, Telephone 915-688-6800

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A and services needed by the nation. Many industry experts believe that there is significant gas potential in the draft RMPA & EIS study area. However, BLM has erroneously concluded that this area has low to medium gas potential. The recent discovery of the Bennett Ranch Unit #1Y (Section 14, T26S-R12E) and new seismic data demonstrate that natural gas potential may be much higher than acknowledged by BLM. In light of the country's need for future gas reserves, it would be in the country's best interest for the BLM to facilitate further exploration of oil and gas resources with less restrictive stipulations and conditions of approval while still protecting other resources.

B BR participated in Las Cruces BLM's "Small Committee" along with several other industry representatives. This committee provided input on the Reasonable Foreseeable Development (RFD) scenario as well as various other sections of the DRMPA. Industry believes this was an essential and productive exercise to ensure accuracy, science and feasibility to the analysis. In the past, stakeholders have not been provided this opportunity. BR applauds BLM's good intentions, however, the draft RMPA & EIS does not accurately represent industry's input. In fact, BLM took industry's input, i.e. potential areas of drilling/production interest, and imposed broad-brush No Surface Occupancy (NSO) stipulations throughout these areas. Industry would have been better served had they not shared this information at all! During the workgroup sessions, maps were presented to industry illustrating a significantly smaller amount of NSO areas than what now appears in the DRMPA. Additionally, industry urged the BLM to contemplate a "maximum discovery potential" in the RFD; however BLM chose to present a "minimum discovery potential".

C The draft RMPA/EIS demonstrates that BLM is not committed to reasonable and environmentally sound oil and gas exploration and development. In so doing, BLM fails to accept its responsibility as a land management agency. Despite its own guidance to the contrary, BLM applied the most restrictive management practices upon oil and gas exploration and development without valid scientific justification. In most cases, seasonal, timing, or controlled surface use (CSU) stipulations would adequately protect the resources in question.

D According to BLM's Planning Manual and its Supplemental Program Guidance for Fluid Minerals, it is BLM's policy to use the least restrictive management option to protect sensitive resources.

BLM must show that less restrictive measures were considered but found ineffectual to protect the resources identified. BR suggests that a discussion of the specific requirements of a resource to be safeguarded, along with a discussion of the perceived conflicts between it and oil and gas activities be included in the plan. Furthermore, an examination of less restrictive measures must be included for a more balanced analysis.

E BLM assumes that industry can directionally drill from existing roads to reach minerals under NSO stipulated surface in an exploratory scenario. It is difficult to directionally drill further than 1/4 mile. Moreover the expense may make a project uneconomical,

A As explained in Section 3.5.3.1, resource potential was derived from available data for the Planning Area of Sierra and Otero Counties. See response to Comment A, Letter 32. Map 3-3, Potential for Oil and Gas Resources, was developed early in the project and displayed for review and comment during the public scoping meetings in November 1998. No written or oral comments on the data were submitted to BLM. In part, these data were used to assist in developing the RFD scenario, which had been presented and explained to industry representatives (i.e., a southeast New Mexico subgroup of the New Mexico Oil and Gas Association). BLM met with the group on a number of occasions to present data and information, receive feedback, and discuss the status of the planning effort. Based on discussions with the group, BLM reviewed and increased the RFD. Other than general information provided through personal communication by industry to BLM, more detailed data were considered by industry to be proprietary and were not made available. There are not sufficient data available to justify increasing the potential for oil and gas to higher levels in the Planning Area addressed in this RMPA/EIS.

Based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM re-evaluated the use of the NSO stipulation and has developed a stipulation to control surface use by limiting industry s disturbance to no more than 5 percent of the leasehold at any one time and requiring the new lessees to form exploratory units prior to commencing drilling activity. This would allow industry to achieve the RFD with less restriction while providing adequate resource protection. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

B See response to Comment A above.

The stipulation of NSO resulted from resource specialist review of the preliminary draft RMPA/EIS and associated concern for the remnant Chihuahuan Desert grassland community and the habitat it provides. On June 7, 2000, BLM was invited to attend a meeting of the southeast New Mexico subgroup of the New Mexico Oil and Gas Association. At the meeting, BLM presented the concept of the NSO stipulation and requested feedback. No feedback was provided until after the Draft RMPA/EIS was issued in August 2000.

The RFD scenario is the prediction of the type and amount of oil and gas activity that would occur in a given area. The prediction is based on geologic factors, past history of drilling, projected demand for oil and gas, and industry interest. In the case of this RMPA/EIS, the RFD is for the two counties of Sierra and Otero. There is no maximum or minimum discovery potential.

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E (cont.) therefore infeasible. Generally, the technology of directional drilling is used to develop fields rather than drilling exploratory wells because it is too risky and difficult to determine where a structure may be without the added knowledge of data from previously drilled wells in the area. More specifically, the shallow target reservoir, as found in the Bennett Ranch Unit, is not a good candidate for directional drilling. Directionally drilling this target would require sharp, high angle deviation, which is difficult during the actual drilling. It can also be problematic in the production stage due to the high angle turn in the pipe. Again, the cost of such a proposal may make the project infeasible.

Specific Comments:

F Page S-2: BLM states that the "No-action Alternative represents the continuation of existing management". This is not a true statement. As the BLM has explained in various agency/industry meetings, under the No-action Alternative, BLM would examine each lease and each action on a case-by-case basis. This examination would purportedly be performed to comply with legislative, regulatory, and management objectives and/or requirements and add stipulations and conditions of approval to each lease or action as warranted. This is not the existing management, rather it is one that is similar to Alternative A.

G Page S-5 states, "This RMPA/EIS is programmatic in nature and too broad in scope to define the relationships between potential fluid minerals activities and other past, present, and reasonable foreseeable future actions.....Therefore...[they] are addressed generally in this document and will be considered on a case-by-case basis for each lease application and APD." This approach is contradictory to page 1-3, which states, "The result of the BLM planning process will be an RMPA that identifies which lands under BLM jurisdiction in Sierra and Otero counties should be made available for development through leasing and what requirements or stipulations are needed to manage those lands and protect other resource values". In accordance with The Federal Land Policy and Management Act (FLPMA) and BLM's own recently adopted planning guidance, BLM is required to make such determinations in this plan. In view of BLM's decision not to make specific leasing decisions in the plan, the entire purpose of the document is in question and appears to be an enormous waste of time and tax dollars.

H Page 1-5; Table 1-1: The issue of how *existing* lease rights would be impacted by the RMPA is too vague in Chapter 2, Section 2.3. BR recommends that this issue be addressed in more depth.

I Page 1-8; Section 1.3.9 Monitoring and Evaluation: It is imperative that BLM monitor stipulations and conditions of approval to ensure necessity and reasonableness. Refer to BLM's White River Resource Area (Meeker, Colorado Field Office) plan for such a monitoring program.

C As stated above, based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM re-evaluated the use of the NSO stipulation and has developed a stipulation to control surface use by limiting industry s disturbance to no more than 5 percent of the leasehold at any one time and requiring the new lessees to form exploratory units prior to commencing drilling activity. This would allow industry to achieve the RFD with less restriction while providing adequate resource protection. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

D See response to Comment A, Letter 69.

E As stated above, BLM re-evaluated the use of the NSO stipulation and has developed a stipulation to control surface use by limiting industry s disturbance to no more than 5 percent of the leasehold at any one time and requiring the new lessees to form exploratory units prior to commencing drilling activity. This would allow industry to achieve the RFD with less restriction while providing adequate resources protection.

F See response to Comment A, Letter 2.

G The statement on page S-5 of the Draft RMPA/EIS is in reference to a discussion of cumulative effects. Because the document addresses the Federal fluid minerals program in a large area and is not intended to address nor identify any site-specific projects, it is not possible to determine the relationships between site-specific projects and other past, present, and reasonably foreseeable future actions. When the location of a specific action is known, then an analysis of the cumulative effects can be completed.

The statement on page 1-3 of the Draft RMPA/EIS is in reference to the purpose of the RMPA/EIS. The lands that would be available for leasing and development under each alternative are shown on Maps 2-1, 2-2, and 2-3, and the requirements or stipulations needed to manage those lands and protect other resources are described in Chapter 2, Section 2.4.

H Table 1-1 has been modified and text has been added to Chapter 1, Section 1.1.

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J Page 2-21; Comprehensive No Surface Occupancy: BLM's statement "Directional drilling becomes more difficult and risky the farther the surface location is from the bottom hole location, rendering large areas effectively closed to leasing" is very true. In light of this acknowledgement, BR questions why BLM rendered so much of the area that has good potential for oil and gas NSO.

K Page 2-21: Reference to Table 2-7: "The areas of some of these resource concerns overlap. In those cases, the more restrictive stipulation is dominant and will serve as the management direction." This statement is not consistent with BLM policy in which the least restrictive resource management practice must be used, not the most restrictive.

L Page 2-30: BLM inaccurately states, ".....Alternative A allows for implementing the least restrictive constraints that would provide adequate resource protection while allowing fluid minerals leasing and development to occur." This statement contradicts the above referenced sentence on page 2-21.

Page 3-6; 3.4.3 Future Land Use: Oil and gas development appears to be consistent with the primary objective of The Otero County Comprehensive Plan, "to protect and enhance the scenic beauty and diversity of the land while accommodating growth" and of the Sierra County Council of Governments to "promote sufficient economic opportunity within the County for residents to find suitable and adequately compensated employment".

M Page 3-11; Oil & Gas Resources: "No area has been ranked as having "no potential"or "high" potential for oil and gas....." BR recommends that BLM analyze more recent information derived from the Bennett Ranch well and seismic data and take into consideration comments provided at the hearings and update this section.

N Page 3-23; Table 3-5 Sound Levels of Typical Noise Sources and Noise Environments: One would wonder that as the DRMPA is one created specifically for "Federal Fluid Minerals Leasing and Development" why the BLM has omitted "Noise Sources" for drilling rigs, compressors, etc. equipment representative of oil and gas development. BR recommends that such information be added to this table or make reference to page 4-29, Table 4-5 Noise Levels Associated with Oil and Gas Activity.

O Page 3-50; Economic Activity on Public Land: The statement "The revenue generated from fluid mineral leasing in Fiscal Year 1997 occurred entirely within Otero County, and represents a very small percentage (0.5 percent) of the total mineral revenue dispersed to the State of New Mexico" may be correct. However, BLM must revise these statistics to represent a more recent year. The Bennett Ranch Unit #1Y was completed in August 1997; therefore, interest did not peak in the area until after BLM's data cut-off point. Background information in this section must explain that this well was completed but not produced due to BLM's failure, as yet, to approve the gathering line. Additional confirmation wells were permitted in the area and were approved only for the drilling, with onerous restrictions attached to the approvals. One such condition was that the

I One of the purposes for monitoring the RMPA is to evaluate actions, resource conditions, and trends to determine the effectiveness of the RMPA and to ensure that implementation of the RMPA is achieving the desired results. This includes review and evaluation of stipulations.

Site-specific, case-by-case development of conditions of approval to attach to an APD offers an opportunity for the BLM and operator to work together to develop appropriate mitigation.

J As stated in the response to Comment B above, the stipulation of NSO resulted from resource specialist review of the preliminary draft RMPA/EIS and associated concern for the remnant Chihuahuan Desert grassland community and the habitat it provides. Again, based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM re-evaluated the use of the NSO stipulation and has developed a stipulation to control surface use that would allow industry to achieve the RFD with less restriction while providing adequate resource protection.

K BLM is required to impose the least restrictive constraints needed to provide adequate resource protection while allowing fluid minerals leasing and development. If the least restrictive constraint to protect a resource is a stipulation of NSO and an overlapping resource requires only minimal protection, the resource requiring NSO has priority in that case.

L The statement in the Draft RMPA/EIS on page 2-21 (in Comment K above) is referring to localized resource areas that overlap, while the statement on page 2-30 is referring to a comparison of the alternatives in general.

M See response to Comment A above.

N The purpose of Chapter 3 is to describe the condition of the existing environment and Table 3-10 lists typical noise sources for reference purposes for the reviewer. The purpose of Chapter 4 is to describe the potential impacts of the alternatives (in the Draft RMPA/EIS). The noise levels associated with oil and gas activity (Table 4-6) and typical construction equipment noise generation levels (Figure 4-1) are in the appropriate location in the document.

O See response to Comment B, Letter 14.

Otero & Sierra Counties DRMPA/EIS
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O (cont.) well(s) could not be produced. As a direct result of these onerous restrictions, revenues have not yet been realized. Therefore, the socioeconomic section of the DRMPA must be revised to show the potential economic benefits of the RFD scenario. BLM's White River Resource Area RMP (Meeker, CO) would be a beneficial template to use in conducting the analysis.

P Page 4-5; 4.1.3 Mitigation Planning: BLM must adhere to its policy that COA's cannot exceed lease stipulations. (see 1624 SPG)

Q Page 4-8; Access: "However the schedule for closures is provided in Otero County and is available to the public." These schedules should be incorporated into the planning document; at minimum reference to the schedule must be duly noted on the specific lease.

R Page 4-13; Production Phase: "Loss of prime farmland may affect local economic conditions." Loss of prime farmland will likely be minimal and offset by the economic gain from oil and gas production. A clarification statement such as this should be added to this section.

S Page 4-36; 4.2.8 Wildlife: "…..to employ a stipulation of NSO in remaining habitat patches, which are greater than 320 acres and limit fluid minerals development activities to areas within approximately 492 feet (150) meters) of existing." "Of existing" what? BLM must complete this sentence.

T Page 4-37; 4.2.8 Wildlife, Construction Phase: "Effects on wildlife would be determined during site-specific studies for individual APDs……." This management practice is carelessly open-ended. A lease could be obtained without restrictive stipulations. However, when a lessee determines it is time to drill a well, added constraints may prevent such activity. A lessee should have knowledge of such constraints at time of lease issuance. Prior knowledge may make the transaction infeasible or unattractive.

U Page 4-39; 4.2.8 Wildlife, Production Phase: "Saline levels in produced water can be high and the water cannot be released into surface water." BR recommends that BLM add "unless water analyses demonstrates otherwise" to the end of the above sentence. If water is considered as good or better than surface water, there should be no issue with release to surface water if proper permits are obtained.

V Page 4-40; 4.2.9 Special Status Species: Same comment as above comment under Page 4-37; 4.2.8 Wildlife.

W Page 4-43; 4.2.9 Special Status Species, Plants: "When an APD is submitted, site-specific surveys will be required to determine which plants are or could be present." Whose responsibility is it to perform and fund these surveys? It is BR's opinion that it is the responsibility of the BLM and should be performed in an expeditious manner as part of the planning process.

P As stated in the Draft RMPA/EIS on page A-III-5, Constraints in the form of conditions of approval of an APD are site-specific requirements or measures imposed to protect resources or resource values. Conditions of approval must be reasonable and consistent with lease rights.

Q The schedules are developed and issued by the military on a periodic basis. It is not possible for BLM to publish a schedule of road closures for the life of this RMPA. The closures are temporary; usually no more than a couple of hours.

R On a large scale, the loss of potential prime farmland may seem minimal; however, it would be a direct loss potentially realized by individuals who may receive economic benefit from oil and gas activities indirectly or perhaps not at all.

S The statement should have read within approximately 492 feet (150 meters) of existing roads. However, based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM re-evaluated the use of the NSO stipulation and has developed a stipulation to control surface use that would allow industry to achieve the RFD with less restriction while providing adequate resource protection.

T See response to Comment P above.

U The statement has been modified to read Saline levels in produced water can be high and water cannot be released into surface water unless water analyses demonstrates otherwise.

V See response to Comment T above.

W It is the responsibility of BLM to perform such surveys; however, this would not preclude industry from using the services of a qualified, BLM-approved professional to expedite the surveys.

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X Page 4-52; 4.2.14 Visual Resources, Construction Phase: BLM should clarify what it means that "wildcat wells require larger drilling rigs..." The depth of the proposed well determines the size of the drilling rig.

Y Page 4-55; 4.2.16 Social and Economic Conditions, Oil and Gas: BR recommends that BLM revise this section to include 2001 costs. The costs have risen dramatically from 1997. We understand that the DRMPA costs are representative of the time when the draft was written and that these costs should remain; however, including more current costs would prove beneficial.

Z Page 4-69; 4.3.1 Oil and Gas Resources: The statement under Minerals "Since only a small percentage of the Decision Area is closed to leasing or constrained with restrictions, there would be little effect on the ability to explore for or exploit oil and gas resources" is not accurate. Due to the lease stipulations and unknown COA's that could be attached to APDs, there may be little effect or there may be significant effect on the ability to explore for or exploit oil and gas resources. Throughout the DRMPA, the BLM addresses additional COA's on a case-by-case basis at the project level, which makes it virtually impossible to determine the effects on exploration or exploitation activities.

AA Page 4-75; Oil and Gas Resources, Wildlife: "Small mammals and birds associated with grasslands would either avoid the areas during fluid minerals activities or be displaced or killed." This is an extremely harsh statement that may not be scientifically accurate. In most cases, small mammals and birds would simply avoid the area for the duration of construction. We object to the current wording because it portrays an unnecessarily grim scenario. BLM should revise this section.

BB Page 4-84; 4.3.1 Oil and Gas Resources, Minerals, Existing Management: The message contained in the first paragraph is extremely confusing and cumbersome. The first part of the paragraph explains how the surface management requirements under Alternative A will potentially add economic burden to the projects and that the cost versus the anticipated revenue may make the project infeasible (uneconomic). The paragraph then concludes, "overall additional burden is not anticipated to be significant". This is certainly not an accurate statement and conflicts with the prior statements. The second paragraph discusses how COA's will be attached at the APD or project level and explains that constraints may not be as restrictive on one project as they may be on another. BLM must consider that this method will be one of individual interpretation and discretion on the part of the BLM specialist and field office manager. This may lead to inconsistent application of management under the direction of changing and different BLM "teams".

CC Page 4-90; 4.3.1 Oil and Gas Resources, Alternative A, Special Status Species: Same comment as above comment under Page 4-37; 4.2.8 Wildlife.

DD Page 5-3; 5.3 Consistency With Other Plans; The statement "....there are no known inconsistencies between any of the alternatives and officially approved and adopted

X Some wells require larger drilling rigs depending on the depth of the proposed well.

Y The sections relating to Social and Economic Conditions in Chapters 3 and 4 of the Draft RMPA/EIS adequately address the issues for this programmatic document. Also, see response to Comment B, Letter 14.

Z See response to Comment T above.

AA Revised to read During fluid minerals activities, small mammals and birds associated with grasslands most likely would avoid the areas of activity; however, some activity may result in displacement or mortality of individuals.

BB The paragraph has been modified for the PRMPA/FEIS to read Overall, within BLM s Decision Area, the surface management constraints as well as required mitigation procedures and best management practices imposed by the Proposed Plan are not anticipated to significantly impact the ability to explore for or exploit oil and gas resources. However, in localized and environmentally sensitive areas, surface management requirements potentially may burden the project economics such that project activities may be delayed. Some surface management measures are more financially burdensome to the operations (such as avoidance management that may require directional drilling). As a result, the cost of management requirements versus the anticipated revenue of the project may make the project unattractive or even infeasible. In localized situations such as this, the ability of the industry to explore for or exploit oil and gas resources could be adversely impacted.

CC See response to Comment T above.

DD BLM is not aware of NMOCD s comments regarding significant inconsistencies with other plans. The PRMPA is consistent with other plans.

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DD (cont.) resource-related plans of other Federal agencies, State and local governments, and Indian tribes" is inaccurate. We concur with the New Mexico Oil Conservation Division's comments regarding significant inconsistencies. We urge BLM to eliminate these inconsistencies.

EE Page A-I-2; Onshore Oil and Gas Leasing and Operations: Proposed Rule (43 CFR Part 3100, et.al.: "Subpart 3104 of the proposed rule states that the BLM can include stipulations restricting surface use on leased land, or restrict the use of the lease holder through conditions of approval in order to protect environmental quality and resources, threatened and endangered species, cultural or historic resources, or private or other rights when the surface area is not managed by the BLM." According to BLM's 1624 Manual, compliance with new conditions or stipulations implemented after a lease has been issued can only be obtained through voluntary compliance. BLM does not have the authority to change the terms of a lease once it has been issued.

Conclusions:

FF BR recommends that the BLM review the comments received and analyze a new alternative that will not preclude oil and gas activity. The new alternative must be subject to additional public review and comment. We offer that the BLM use the expertise of the "small committee", staff the BLM's Las Cruces Field Office more appropriately to handle oil and gas activity, and tier off and coordinate with other BLM field offices that are efficient and knowledgeable in regards to oil and gas activity.

We appreciate your consideration of our comments. Please contact me at (915) 688-9042 if you have any questions or would like to participate in discussion regarding our comments, and if you plan to reconvene the small committee.

Sincerely,

Eileen Danni Dey
Regulatory Compliance Supervisor

EE The stipulations restricting surface use on leased lands would be included in a lease.

FF See response to Comment C above.

Pyron Consulting
A Sole Proprietorship

924 Hale Street
Pottstown, PA 19464

610-326-1358
610-326-6668 (fax)

May 23, 2001

Mr. Tom Phillips
RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, Nm 88005

Mr. Phillips:

I have had some time to review the BLM's proposed RMPA for Otero and Sierra Counties, NM. Understanding that an updated plan is needed and mandated by the Congress of the United States, I believe that several points need to be raised, not necessarily in objection to what was proposed, but to clarify the situation in both Otero and Sierra Counties.

1. It needs to be understood that the current groundcover in the bulk of the area with oil and natural gas potential is not natural cover, but has been introduced by poor grazing practices in the 1800's, and by the subsequent northern advance of the Chihuahuan desert. Most of the area that has oil and natural gas potential, and which is accessible to the public (assuming that all military lands are forever off limits), hosts poor scrub grasses that should not be detrimentally affected by short term drilling activity.

2. The bulk of the area is located in the Basin and Range geological province. The up-faulted mountain blocks, which have no oil and gas potential, should be maintained as near pristine condition as possible. The flat areas that intervene between the uplifted areas should be evaluated differently. Some areas, like the Malapais flow and the Tularosa river valley, demand more critical evaluation. Other areas, like Crow Flats and the Otero Uplift, will not be detrimentally affected by oil and natural gas development. That development should not be hindered by an overly complex permitting project.

A

3. The Bureau of Land management should give some consideration to the operational differences between oil exploration and development and natural gas exploration and development. As a generalization, natural gas development causes less environmental impact than does oil exploration and development. Many jurisdictions have used this differentiation to specify unique rules for each type of development. For example, the Commonwealth of Pennsylvania allows natural gas development in its state forest system because minimum impact is caused by long term operation of natural gas wells. In Canada, the Province of Ontario allows offshore development of natural gas in Lake Erie with minimum impact to water quality in the lake, but does not allow oil prone horizons to be produced. Some acknowledgement of the differences in the long-term pollution potential of the two types of drilling should be made. I believe that the permitting process for natural gas wells could incorporate these differences and should be streamlined as compared to permitting for oil drilling.

A

This RMPA/EIS addresses the Federal fluid minerals (oil and gas, and geothermal) leasing program. At this level of detail, addressing all fluid minerals is appropriate. Differences would be addressed during the review of a site-specific APD.

B 4. Traditionally, the oil and gas industry requires distribution of produced commodities by pipeline or by tank storage and trucking. An existing infrastructure of pipelines will minimize the impact of development of the natural gas resource. Currently, a distribution pipeline system exists across certain areas of Otero County. If sufficient natural gas resources are present in Otero County, the permitting process should not inhibit them from getting to the marketplace.

C 5. My last point is one of speculation. Certain portions along the margins of the White Sands military complex show some potential for hosting oil and natural gas. Given that these areas are on the margins of the complex and provide a buffer from the areas used for military purposes, there may be in the future sufficient commercial pressure to allow the exploration for and development of hydrocarbons in these areas. Possibly, the mandate to manage these lands would fall to the Bureau of Land Management. So that this process does not detrimentally affect the development of potentially significant resources, I propose that the following language be generated and inserted in the management plan. It would state that federal lands in the management area currently managed by other government agencies that might fall into the management purvey of the BLM will be retroactively be managed under this existing and approved RMPA.

I hope that these comments are of some value to you in this process. Please keep me updated on the progress of this process.

Best regards,

Arthur J. Pyron, PG

B As stated on page 3-7 of the Draft RMPA/EIS, there are two petroleum product pipelines, Navajo Pipeline and Diamond Shamrock Pipeline, that parallel each other in Otero County. At this time, there are no pipelines in the Planning Area capable of transporting gas to the marketplace nor is there an existing infrasructure of distribution pipelines (as there is no field development in either county).

C Resource data for lands administered by other Federal agencies were not analyzed as part of this RMPA/EIS; therefore, these lands could not be incorporated as part of this RMPA.

May 31, 2001

JUN - 4 2001

Tom Phillips, RMPA/EIS Team Leader
BLM-Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

RE: EIS Comments on Federal Fluid and Mineral Leasing and Development in Sierra and Otero Counties

Dear Sir,

It has come to my attention that you are currently receiving comments on proposed oil and gas development in the Otero Mesa area. I would like to go on record as strongly opposed to any leasing in this relatively pristine part of New Mexico's Chihuahuan Desert Grasslands.

This desert grassland habitat in southern New Mexico contains unique features, cultural values and a fast disappearing wild character. The portion of the RMPA/EIS Planning Area contains relatively few roads and some of the best remnant grasslands remaining in the entire state. These grasslands are home to many species whose existence is dependant on keeping these grasslands intact.

This area is home to viable Prairie Dog colonies, Aplomado Falcons, Ferruginous Hawks and a very special and important intact Pronghorn herd. This area also serves well as far as connectivity between other expanses of public land such as the Sacramento Mountains and the Guadalupe Mountains. Keeping this corridor viable for Mule Deer, Coyote, Pronghorn and Mountain Lions is of great importance.

Oil and gas development with its associated road and well pad construction, powerlines and pipelines will devastate the area. Just take one look at Eddy County and the Indian Basin between Artesia and Carlsbad, N.M.. This area has been devastated by drilling and associated activities.

Roads fragment habitat, they promote the introduction of exotic species, decrease air and water quality and open the door to increased ORV activity. With the above recommendations in mind I would ask that the following specific comments be included.

A
- Any determination of the presence of an "existing road" using satellite imagery must be field verified.

B
- In the event the Jornada del Muerto Wilderness Study Area or Brokeoff Mountains WSA are not designated as Wilderness it is critical that these areas are discretionarily closed.

C
- Discretionary closure of all areas of Critical Environmental Concern (ACEC).

D
- Discrentionary Closure and no geophysical exploration allowed in watershed areas.

E
- No surface Occupancy(NSO) or road construction within .5 miles of Riparian/Wetlands/Playas.

F In the end the most important decision you can make is to think long-term. Understanding the wilderness and wildlife values are worth far more to future generations than the drop in the bucket such development will bring to solve of countries energy needs. Please consider opening the process to a No leasing alternative.

Sincerely,

Stephen Capra
1102 Princeton SE
Albuquerque, NM 87106

A See response to Comment A, Letter 44.

B See response to Comment E, Letter 100.

C All ACECs would be discretionarily closed under any of the alternatives described in the Draft RMPA/EIS.

D See response to Comment H, Letter 100.

E See response to Comment B, Letter 23.

F Refer to Chapter 2, Section 2.3.1.1, No New Leasing for Fluid Minerals Development.

LESSENTINE RANCH
22 MOON LANE
TULAROSA, NM 88352

May 25, 2001

Mr. Tom Phillips, RMPA/EIS Team Leader
Bureau of Land management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

Please consider the following comments on Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties:

We believe oil and gas exploration and development on public lands is vital to our National Energy Policy. However, certain constraints should be in place to maintain the pristine tranquility of these areas.

A In particular, drilling sites and developments should be required to be as small as possible to minimize resource damage. In addition, road construction should be minimal.

B Furthermore, please consider the assurance of the water quality. It is essential that you will provide a means to protect the water supplies from contaminants.

Thank you for your consideration in our concerns.

Sincerely,

Richard P. Lessentine
Richard P. Lessentine

Kim Lessentine
Kim Lessentine

A BLM agrees. Refer to Appendix B, Surface Use and Best Management Practices in the PRMPA/FEIS, and Appendix B, pages B-I-10 and B-I-11of the Draft RMPA/EIS.

B Downhole engineering requirements are developed for each proposed project, which address protection of water quality. Also, refer to Chapter 2, Section 2.2.4.

HERBERT A. BRITT
1211 S. 107 E. AVE TRLR 19
TULSA, OKLA 74128
JUNE 3, 2001

JUN - 7 2001

TOM PHILLIPS
BUREAU OF LAND MANAGEMENT
LAS CRUCES FIELD OFFICE
1800 MARQUESS
LAS CRUCES, N.M 88005

DEAR SIR;

THANK YOU FOR YOUR LETTER CONCERNING 1610 (03000). I WAS WONDERING WHAT TO DO FOR LAUGHS WHEN THE DRMPA ARRIVED. I HAVE NOT READ EVERY DETAIL BUT IT LOOKS LIKE EVERY THING IS MENTIONED. THE PART ABOUT THE NOISE STUDY WAS ESPECIALLY FUNNY.

MY COMMENT IS THIS: GIVE OUT PERMITS TO LEASING OR JUST TURN NEW MEXICO INTO AN INTERNATIONAL PARK AND CONTINUE TO IMPORT OUR FLUID MINERALS.

TELL THE SIERRA CLUB AND THE UNITED NATIONS TO GO TO HELL.

A PLEAS KEEP ME ON YOUR MAILING LIST BECAUSE I AM INTERESTED TO HEAR FROM YOU.

SINCERELY,
Herbert A Britt

A Your name and address have been added to the project mailing list to receive information regrading this RMPA/EIS in the future.

ALAMOGORDO CHAMBER OF COMMERCE
(505) 437-6120 • Fax (505) 437-6334
1301 N. White Sands Blvd. • Alamogordo, New Mexico U.S.A. 88310

June 7, 2001

Mr. Tom Phillips
RMPA/EIS Team Leader, BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

The Legislative Affairs Committee of the Alamogordo Chamber of Commerce would like to express our support of exploration, mining and full commercial production of natural gas resources throughout Otero County. Let us state for the record, we are all in favor of maintaining a healthy environment and ecosystem, however, it is also our belief that commercial natural gas operations and environmental concerns can be addressed simultaneously. The spirit of New Mexico has always been the blending of cultures and our ability to work together. Now is a great time to bring the spirit to the table and work for a solution we can all live with.

Thank you for the time to comment on this issue. If our committee can be of any assistance, please contact us at the Alamogordo Chamber of Commerce, (505) 437-6120.

Sincerely,

Bill Burt
Chairman, Legislative Affairs Committee
Alamogordo Chamber of Commerce

/cs

cc: State Director, New Mexico
Acting Director, BLM

"TAKING CARE OF BUSINESS"

Web Site: www.alamogordo.com E-mail: Chamber@Alamogordo.com

PARSONS BIOLOGICAL CONSULTING

8613 HORACIO PLACE NE
ALBUQUERQUE, NM 87111
(505) 275-1944
parsonsbiolog@qwest.net

June 14, 2001

Tom Phillips, EIS Team Leader
BLM - Las Cruces Office
1800 Marquess Street
Las Cruces, NM 88005

Dear Mr. Phillips:

Please accept the following comments on the Draft Resource Management Plan Amendment and Environmental Impact Statement (RMPS/EIS) for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties. Specifically, I am concerned about the potential for adverse environmental effects to the Otero Mesa area.

Otero Mesa supports a valuable and biologically diverse grassland ecosystem – one of the best remaining examples of this ecotype in New Mexico. The area supports a viable population of prairie dogs, which perform keystone ecological services. Other species of conservation concern include aplomado falcon, ferruginous hawk, mountain plover, and pronghorn to mention just a few. As human populations increase, high quality areas like Otero Mesa increase in their importance for landscape-scale conservation of ecosystem processes and biological diversity.

As evidenced from nearby areas developed for oil and gas extraction, substantial degradation of the environmental values of Otero Mesa summarized above will result from similar activities. For these reasons, I support Alternative B and offer the following specific comments on this proposed action:

A 1. All determinations of "existing roads" must be verified on the ground by qualified experts.

B 2. All disturbed lands should be restored to pre-project conditions and all roads no longer needed for continued well operations should be permanently closed.

C 3. No surface occupancy or road construction within 0.5 miles of riparian areas, wetlands, and playas – areas which should be given maximum protection in the final plan.

D 4. Discretionary closure of Otero Mesa and Nutt desert grassland habitat areas and other such areas to protect extant populations of pronghorn and other sensitive species.

A See response to Comment A, Letter 44.

B See response to Comment B, Letter 100.

C See response to Comment B, Letter 23.

D See response to Comment B, Letter 81.

E 5. Designate Jornada del Muerto and Brokeoff Mountains WSA as wilderness areas, or, in the absence of such designation, close these areas to resource extraction activities and road building.

F 6. Discretionary closure of all nominated Areas of Critical Environmental Concern (ACECs) in accordance with established BLM policy.

G 7. Prohibit new road construction in areas containing managed big game herds, active raptor nests, and riparian/wetland habitats.

H 8. Designate crucial grassland, montane, and scrub habitats (approximately 730,00 acres) as areas of controlled surface use.

I 9. Discretionary closure of all occupied or essential habitat for Special Status Species (federal/state threatened, endangered, proposed, candidate, and BLM sensitive).

J 10. Discretionary closure of the Percha Creek Riparian Habitat Area.

K 11. Discretionary closure of all Visual Resource Management (VRM) class II areas. Oil and gas development and extraction is incompatible with established protection standards and criteria for these areas.

L 12. Controlled Surface Use status for VRM class III areas.

M 13. Discretionary closure of ORV limited areas. Current protections would be violated by exploration, development, and extraction of oil and gas.

N 14. Discretionary closure of the Cuchillo Mountains Pinon Nut Collection area.

Thank you for considering my comments and concerns.

Sincerely,

David R. Parsons
Consulting Wildlife Biologist

E See response to Comment E, Letter 100.

F See Response to Comment A, Letter 23.

G See response to Comment A, Letter 31.

H See response to Comment I, Letter 100.

I See response to Comment A, Letter 23.

J See response to Comment K, Letter 100.

K See response to Comment L, Letter 100.

L See response to Comment M, Letter 100.

M See response to Comment N, Letter 100.

N See response to Comment C, Letter 25.

RMPA/EIS
FOR FEDERAL FLUID MINERALS LEASING
AND DEVELOPMENT IN SIERRA AND OTERO COUNTIES

U.S. Department of the Interior • Bureau of Land Mangement • Las Cruces Field Office

COMMENTS

Public Hearings

April 3, 4, and 5, 2001

LEAVE COMMENTS AT REGISTRATION TABLE OR MAIL THEM

Comments, including names and street addresses of respondents will be available for public review at the BLM Las Cruces Field Office during regular business hours (7:45 a.m. to 4:30 p.m.) Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Name/Organization (Please Print) TONY KRAKAUSKAS, SUNVALLEY ENERGY CORP.

Address: P.O. BOX 1000, ROSWELL NM **Zip Code:** 88202-1000

Comments: SEE ATTACHED

Add Additional Pages as Needed

Signature: Tony Krakauskas

Fold this form (leaving the address and postage exposed) and tape or staple the edges together before mailing. No postage required. **Thank you for your comments!**

COMMENTS:

After having attended several public comment hearings in Roswell and participating in a round table discussion held recently in Cloudcroft attended by representatives of the affected counties, congressional representatives, BLM staff members, area ranchers and petroleum industry personnel, I make the following observations:

A 1) The BLM forecasted their estimate of "reasonable foreseeable development" (RFD) for the planning area as low to moderate in scope. This estimate was based upon available geologic data compiled by the BLM with input from petroleum industry personnel, including employees of Roswell based HEYCO. HEYCO has drilled a significant gas discovery well on the Otero Mesa. This notable discovery obviously raises the potential for oil and gas recovery within the resource management area. The BLM was aware of this discovery and factored the future development of this resource into their RFD. By their proposed choice of RMPA Alternative A, however, they are severely restricting adequate access to this resource resulting in the ineffective development of Federal minerals as well as the failure to attain the full RFD potential.

B 2) Based on comments by the Las Cruces office Field Manager, the driving force behind the BLM's recommendation of Alternative A was the "fear of losing a lawsuit". The fear of litigation does not provide for a logical approach to a reasonable solution and, in reality, succumbs to the tactics of "special interest groups" who have unlimited resources to initiate such proceedings.

C 3) I believe the objective of the RMPA is to establish fluid mineral determinations (i.e., identify lands available for leasing and how those leased lands are managed to adequately protect resources) while sustaining the ability to achieve the RFD and fulfilling BLM's mandate of multiple use and sustained yield as directed under FLMPA. The BLM's preference of Alternative A is strictly two dimensional in scope by favorably addressing surface issues and neglecting the third dimension or sub-surface resources.

Solution:

- Select the No-Action Alternative to allow for complete fulfilment of the RFD. Concern for environmental issues and compliance with laws and regulations would be addressed on a case-by-case basis as is the current practice in other oil and gas producing areas.
- Be three dimensional in your decision by realizing there are valuable resources to be developed beyond those that are discernible on the surface.

Tony Krakauskas TK
SunValley Energy Corporation
P.O. Box 1000
Roswell, NM 88202-1000
(505) 625-9152

A Based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM re-evaluated the use of the NSO stipulation and has developed a stipulation to control surface use by limiting industry s disturbance to no more than 5 percent of the leasehold at any one time and requiring the new lessees to form exploratory units prior to commencing drilling activity. This would allow industry to achieve the RFD with less restriction while providing adequate resource protection.

B BLM s preferred alternative is a modification of Alternative A in the Draft RMPA/EIS, which implements existing laws thereby protecting the environment to the extent deemed necessary while still meeting BLM s multiple use mandates.

C See response to Comment A above.

BLM FAX: 505 525-4412

June 19, 2001

Tom Phillips,
RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces, NM 88005

Dear Mr. Phillips:

Please include my comments in the public response to the Otero Mesa Resource Management Plan Amendment and EIS.

I support Alternative B since this alternative appears to provide the most resource protection.

I also request that the BLM:

A -Close the eight nominated ACEC's and critical habitat for a sensitive species to drilling

B -Restrict drilling operation surface occupancy to at least .5 miles from riparian areas and playas.

C -Prohibit surface activities in remnant grassland areas and limit drilling activities to within 500 ft of established roads.

D -Close Visual Resource Management Class II Areas to drilling.

Jim Walters

Jim Walters
11 Calle Tangara
Santa Fe, NM 87505

ived Jun-18-01 09:22am From-5059886123 To-BUREAU OF LAND MGT Page 01

A See response to Comment A, Letter 23.

B See response to Comment B, Letter 23.

C See response to Comment C, Letter 23.

D See respone to Comment D, Letter 23.

John P. Wilson
ARCHEOLOGICAL AND HISTORICAL RESEARCH

June 18, 2001

Mr. Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Dear Mr. Phillips:

I herewith offer my comments on your Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties, which I will refer to as the draft Plan. Thank you for the opportunity to comment.

My remarks will focus largely upon the Otero Mesa area, a locality with which I have gained some familiarity since recording the Ojos de los Alamos stage station in 1975. I also did the cultural resource inventory for the El Paso Electric Co. Amrad to Artesia transmission line corridor in 1982; a series of clearance surveys for Addwest Minerals in 1993-1994, and most recently two surveys for HEYCO in the summer of 2000.

I would support your adoption of Alternative A, with the following comments, corrections, and qualifications:

1. Enclosed is a short bibliography of additional sources that you may wish to consult.

A 2. The draft Plan should be proofread to identify and correct sentences that are unclear or incomplete, especially where these are potentially significant statements. Two such places that I marked while reading are the last sentence in the second paragraph on page 4-36 and the sentence that begins "Also, an area in T26S R18E..." on page 4-85. I do not know what is meant in either sentence. There are other instances.

B 3. With particular reference to the Butterfield Trail, the "controlled surface use" constraint attached to the buffer zone under the no-action and Alternative A management guidelines in the draft Plan appears to be a step back from the protection given to this site under the 1986 RMP "no surface disturbance" decision (see pp. 2-14/15, 2-18). That is, that drilling, pipelines, and possible other encroachments would be permitted within the buffer zone for the Butterfield Trail (p. 4-79). On the other hand, "no surface occupancy" under Alternative B apparently equates with the level of protection that this site enjoyed under the 1986 RMP. If this is the case then I would favor retaining the buffer zone as a "no surface occupation" constraint. But see also point 12, below.

C 4. I refer now to the Red Sands ORV area (pp. S-1, 2-16, 3-40/41, 4-49, and Table 2-8) mentioned under Recreation. In 1982 I noted the presence of unexploded 90 mm. rounds fired by Army tanks, dating from the late 1940's, near

1109 SKYWAY
LAS CRUCES,
N.M. 88001
PHONE (505) 523-7761

A The sentence on page 4-36, Section 4.2.8, should have read and limit fluid minerals development activities to areas within approximately 492 feet (150 meters) of existing roads. However, BLM has re-evaluated the NSO stipulation and has developed a stipulation to control surface use that would allow industry to achieve the RFD with less restriction while providing adequate resource protection. (Refer to stipulation in Appendix D.)

The sentence on page 4-85 should read Also, there are buffer zones surrounding playa lakes and riparian area (in T. 26 S., R. 18 E.) with a stipulation of no surface occupancy. Individually, the areas are not large; however, these areas coalesce into an area where the ability to exploit potential oil and gas resources would be impacted, as the area is effectively closed.

B Refer to the description of the stipulation in Appendix D, which states that new disturbance will be minimized by allowing no surface-disturbing activities within 0.25 mile from each side of the designated historic trails and allowing the trails to be crossed only at points along the trails that have been disturbed previously.

C Applicants for special recreation permits at the Red Sands ORV area are warned about the potential existence of unexploded ordnance (UXO). A stipulation is attached with the permit that includes, in part, the following, "...Also be advised that unexploded ordnance has been found in the general area. Advise participants, staff, and spectators that, if ordnance is found that could be unexploded ordnance, it should not be touched or moved and its locations reported immediately..." It should be noted that UXO has the potential to be found anywhere in the Las Cruces Field Office area.

-2-

C (cont.) Isolated Find EPE #37 in the NW¼ of Section 30, T20S R9E and elsewhere within a mile or two of that general area, within the El Paso Electric right-of-way but also outside of it. I later guided an EOD team from Ft. Bliss to the rounds within the R-O-W and they blew these up, but the ones outside of the R-O-W were left in place. Whether anyone ever went back to search for or dispose of other unexploded rounds, I do not know. I cannot tell from the location of the Red Sands ORV area given in your draft Plan just where it lies on a map, but it may not be far from the area just described. If so, then these unexploded rounds would pose a hazard for present ORV users as well as future fluid minerals exploration and development crews.

D 5. The debris associated with the old Air Force (or Army Air Corps) Bombing and Gunnery range (pp. 2-3, 4-7, Table 2-8) is probably not limited to the tracts shown on Map 3-2. While doing surveys in the Cornudas Mountains area I have found expended .50 caliber cartridges, evidence of aerial gunnery practice, northwest of San Antonio Mt. and on or near the pad for HEYCO Bennett Ranch Unit 25 #1. Both cartridges dated 1943.

E 6. References to antelope (pp. 3-24, 3-28, 4-36, 4-75, 4-88/89) made in the context of grass flats, desert grasslands, etc. indicate a close association between antelope and grasslands. Although most ranchers believe that antelope compete with cattle for forage, the Plan should clarify that this is not the case and that antelope customarily eat the forbs found in grasslands as well as browse, consuming only 3.7% grasses in one study (see R.H. Humphrey, Range Ecology (1962) pp. 133-135). As written, the draft Plan cites the "Nutt Antelope Area" as a remnant desert grassland area, which may be true enough but which leaves readers to conclude erroneously that antelope forage on grasses. Completely absent in the draft Plan is any mention of forbs, a major forage component of desert grasslands.

F 7. With reference to the composition of lower elevation desert grasslands (p. 3-24), I found sand muhly codominant with black grama on Otero Mesa in 2000 and hairy grama common there as well, possibly intermixed with blue grama. Another species, not seen by me before, was tentatively identified as Warnock's grama. These identifications were made by Dr. Kelly Allred and other staff and faculty at the NMSU College of Agriculture. Characterization of the desert grasslands should be corrected, as necessary.

G 8. The discussions of Soils and Vegetation (pp. 2-4, 3-14/15, 4-11/12, 4-7, 4-33, 4-44/45) greatly understate the probability of a complete loss of vegetation as a consequence of the creation of well pads, roads and pipelines that accompany energy development. The impacts go well beyond simple clearing that leads to a reduction in the amount of vegetation. In part this comes about as a result of grading the entire surface of a drilling pad, a type of action that reflects habit much more than necessity. Broad expanses of Otero Mesa are covered with Philder very fine sandy loam soil, a shallow soil over caliche, and well pad preparation has meant complete removal of the soil down to the caliche at the Bennett Ranch Fed. #1-Y drilling site as well as at the roads in that area.

There is virtually no chance of revegetation on these surfaces, other than by weedy types such as globemallow and Russian thistle. Claims in the draft Plan that grasslands generally recuperate relatively quickly may hold true elsewhere, but the published soil survey that covers Otero Mesa states that range reseeding is only marginally successful on three of the principal soils associations there: Philder very fine sandy loam, Armesa very fine sandy loam, and the Reyab-Armesa association. This of course assumes that the soils were not removed in the first place. Current grading practices are an open invitation for invasions by noxious

D As evidenced in the 1986 RMP, the impact area of the old Air Force bombing and gunnery range, in which subsurface use of land is prohibited, was much larger. Since that time, several acres of land have been released from that prohibition. BLM is aware of the formerly used defense sites (FUDS) within the Las Cruces Field Office area and the potential for UXO to exist. However, due to budget constraints, BLM has no immediate plans to clean up either the FUDS or other areas that potentially contain UXO.

E The text of the PRMPA/FEIS has been revised to reflect this information.

F The composition of species described on page 3-24 is a general description of dominant species and no attempt was made to describe each and every possible encounter.

G The RMPA/EIS addresses the consequences of fluid mineral activities on the environment (refer to Appendix B of the PRMPA/FEIS, which addresses use of stockpiled soils).

-3-

G (cont.) weeds. The grading of entire well pads down to caliche is a type of action that should be questioned and used the greater discretion, or stopped.

9. To continue the theme that drilling pads, pipelines and access roads create a permanently adverse impact on the landscape, your numbers understate and are inconsistent in estimating the extent of the area disturbed. An access road or gas pipeline with a fifty-foot right-of-way totals 6.06 acres of potential disturbance over one mile, not 2.6 or 3.6 acres per mile, or 3 acres per well (pp. 4-3, 4-7). If your calculations assumed that only one-half of the R-O-W width would be graded, this should be so stated.

H As for the size of well pads, you use a 400 x 600 ft. estimate at one place (p. 4-4) and 600 x 600 ft. at another (p. 4-26), while the pad area subjected to a cultural resources inventory at Bennett Ranch Fed. #1-Y measured only 400 x 400 ft. While the estimate of 9 acres for that unit (3.67 acres drilling pad plus ca. two miles of new access road with an estimated 25-ft.-wide disturbance area = 6 acres) is accurate, the more recent Bennett Ranch Unit 25 #1 has a 600 x 600 ft. pad area staked. This would total 8.26 acres of disturbance, plus whatever corricors were requested for an access road, pipeline, laydown areas for construction, power lines, etc.

If, then, as in other oil and gas fields, a field on Otero Mesa should develop to the limit of four units per section, this could mean a worst-case scenario of 33 acres per section lost to pad areas alone, plus whatever additional disturbances the roads, pipelines et. al. created. Were this to happen, the cumulative impact would be far greater than any estimated in the draft Plan, amounting to a landscape as effectively devastated as that in the Carlsbad area or east of Artesia.

I 10. With respect to existing roads, the use of these for oil and gas development would involve their routings, but much more than that. The Plan should make clear that any existing roads that become rights-of-way for activities associated with energy development will be graded to handle the increase in traffic volume and the heavy equipment transported along them, and improved otherwise in lower-lying areas. In effect, that exploration and construction will involve roads that are effectively new roads, and the cumulative impacts of even the upgradings will be more than "notable" (p. S-5).

J 11. An issue that should be addressed is that access roads, whether upgraded ranch roads or ones created anew, should be located so as not to interfere with the flow of runoff waters into ranchers' stock tanks. This is quite aside from considerations of erosion, sedimentation, and water quality as affected by proximity to well pads and pipeline construction. From the ranchers' standpoint, the danger is that new (+-) roads will block or redirect the runoff that ordinarily goes into his tanks. No responsible rancher could tolerate this, aside from the question as to who owns the surface water. The existing discussions in the draft Plan (see pp. 3-19/29, 4-20/21) do not recognize this issue.

K 12. With respect to the Butterfield Trail, it is my understanding that the no-action alternative would continue the current policy of "no surface disturbance" within one-quarter of a mile to either side of the trail (Table S-1, pp. 2-24, 4-79, 4-91) while Alternative A would reduce the constraint to only "controlled surface use " within a buffer zone (p. 4-91). However, it appears also that under Alternative A, patches of the remnant desert grassland in the Otero Mesa Habitat Area would be protected by a "no surface occupancy" stipulation (p. 4-88, map 2-2) that could effectively shield the Butterfield Trail from impacts without the need to stipulate no surface occupancy within one-quarter of a mile of the trail, as Alternative B

H An area of 400 by 600 feet was used as an assumption in developing the RFD. The statement on page 4-26 is using typical dimensions as an example to estimate total suspended particle emissions. A typical exploratory well site may have average dimensions of 350 by 300 feet (107 by 91 meters) and may be as large as 600 by 600 feet (183 by 183 meters). An average site size is 600 by 600 feet .

I BLM disagrees. Existing road alignments may have to be upgraded and/ or improved; however, the impacts of such upgrades are normally less than constructing a road in a previously undisturbed area.

BLM has an interest in locating and protecting stock tanks on public land. Locations for stock tanks are coordinated with grazing lessees, as applicable, considering a number of land use and environmental factors.

J Roads, as well as other disturbances, have the potential to interfere with surface water runoff. However, as stated in the Draft RMPA/EIS on page A-II-5, the proposed activities for drilling each well are submitted by the operator to BLM for approval through an APD and Surface Use Plan of Operation (SUPO). The BLM would analyze site-specific environmental effects of the proposed operations and issue a decision document. As stated in the Draft RMPA/EIS on page A-III-1, the standard practices described in the document

> should not be construed as rigid requirements that will be applicable to every situation. Rather, the ideas presented in this appendix [A-III] communicate philosophy, approach, and examples that have been successful from which site-specific applications can be developed. The operator and surface-management agency working together can develop the best approach to achieve the management objectives in each situation.

While operations of Federal fluid mineral leases are managed by the BLM, the operations are managed in cooperation with the surface-management agency or surface owner, if it is other than the BLM, in order to guide surface use and management. Where surface is privately owned, the operator is responsible for reaching an agreement with the private surface owner .

-4-

K (cont.) would do. If my understanding is correct, then this may be an effective compromise for the long-term protection of what is probably the most important historical resource in the Planning Area east of highway US 54. At this juncture, it is difficult for me to see just how this would work out.

13. Hiking trails are mentioned in passing (p. 3-40) but the Plan might cite a specific example of ongoing, benign use of the Butterfield Trail by Boy Scouts for hikes and also in qualifying for a hiking merit badge. The BLM should recognize this type of use and seek to encourage it by preserving the existing undisturbed remnants of this trail across the semidesert grasslands of Otero Mesa, and elsewhere.

L 14. I assume there is no reasonably foreseeable development of helium or carbon dioxide gas wells, or of drilling for coal seam gas, since none of these are mentioned.

15. One reasonably foreseeable development (RFD) for the environment in the Otero Mesa Management Area (pp. S-3/4, 3-28, 4-36) is a significant adverse impact following the sale of the Coody (Bennett) Ranch in 2000 by Jim Coody. The excellent stewardship by Mr. Coody and his father-in-law before him has been the principal factor in the maintenance of this desert grassland area in virtually undegraded condition; i.e. with minimal man-made intrusions or invasions of desertscrub, minimal erosion or overgrazing. In recent years Mr. Coody obviously foresaw the probable consequences of energy development, or he would not likely have sold the ranch. The new owner(s) have little or no incentive to carry on this level of stewardship, and the RFD would be for them to maximize range use by cattle before energy developments degrade the landscape and eventually preclude use of this range for livestock grazing. An active role by the BLM can help to slow the pace of this RFD.

M 16. Entirely unmentioned in the draft Plan are the potential benefits of cooperative land-use planning. The BLM, working in cooperation with Harvey E. Yates Company and an independent engineering firm, could resolve the most immediate potential environmental impact on the Otero Mesa Management Area, namely the locating of access roads and a pipeline system that would serve all prospective gas wells but cross the Butterfield Trail corridor only once, along the route of an existing ranch road. If there are producing wells both north and south of the trail and its buffer, then crossing this half-mile-wide zone is a fundamental problem. To design such an access and gathering system, with only a single crossing, will require ingenuity but is attainable. It will require a plotting of already-approved as well as hypothetical drill pad locations, the situations of which would then be subject to only minor changes. The design for such a system should begin as soon as possible.

Sincerely,

John P. Wilson

Jot

Black, Bruce Allen

1973 Geology of the Northern and Eastern Parts of the Otero Platform, Otero and Chaves Counties, New Mexico. Unpublished Ph.D. dissertation, Graduate School, University of New Mexico, Albuquerque.

1976 "Tectonics of the Northern and Eastern Parts of the Otero Platform, Otero and Chaves Counties, New Mexico." In Tectonics and Mineral Resources of Southwestern North America, edited by Lee A. Woodward and Stuart A. Northrop, pp. 39-45. Special Publication No. 6, New Mexico Geological Society, Socorro.

Stewart, Lynn Hising

1992 Desert Grassland Communities on Otero Mesa, Otero County, New Mexico. (catalog no. in NMSU Library is QH999 S849)

Allred, Kelly W.

1997 A Field Guide to the Grasses of New Mexico. New Mexico State University Agricultural Experiment Station (Second Edition). Las Cruces, N. Mex.

K Yes, portions of the Butterfield Trail that traverse (overlap with) the areas of remnant desert grassland with a stipulation of NSO would have been effectively protected by the NSO stipulation under Alternative A in the Draft RMPA/EIS. However, based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM re-evaluated the use of the NSO stipulation and has developed a stipulation to control surface use that would allow industry to achieve the RFD with less restriction while providing adequate resource protection. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

L Your assumption is correct.

M BLM has been working with the company regarding these issues.

brucehenion
<brucehenion@proaxis.com>
06/17/01 01:49 AM

To: Tom_Phillips@nm.blm.gov
cc:
Subject: Natural Gas Report Revised "Visual Impact & Construction area"

Dear Mr. Phillips:

The attachement reflects all revisions and is in microsoft word and

publisher.V/R BWH NATURAL GAS EXPLOITATION.dc

Mr. Henion provided 14 pages of comment that offer information pertinent to fluid minerals leasing and development activities rather than addressing the adequacy of the Draft RMPA/EIS. Mr. Henion s comments are on file and will be made available for review at the BLM Las Cruces Field Office.

WESTERN VOICE

A SOCIAL AND ENVIRONMENTAL AWARENESS LIAISON

Carol E. Price, Chairwoman 15B Vuelta Chamisa, Santa Fe NM 87501 Tel:(505)983-3679 email: price@chamisa.net

Mr. Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

RE: DRMPA/EIS for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties

Dear Mr. Phillips:

We of Western Voice are strongly opposed to granting leases on the Otero Mesa for the purpose of drilling for natural gas. We recognize that there is a short term energy shortage in California and that gasoline and natural gas prices have been at an all tiem high. At the same time, however, we are concerned that rushing to destroy such fine natural habitat is shortsighted at best. It is our contention that several options should be considered first and that there are serious concerns about extractive policies that must be addressed.

1. There are, as we understand it, other sites in the state of New Mexico where drilling permits can be obtained from the Bureau of Land Management. These include the Permian Basin and the San Juan Basin. All in all, only 5% of the BLM land is presently off limits for drilling, and this small amount needs to be protected.

2. It is well recognized that carbon dioxide emissions from the consumption of hydrocarbons like natural gas is a leading contributor to global warming. In view of the fact that the United States already consumes 25% of the world's energy sources and that the amount of fossil fuels available is finite, this country needs to develop an energy policy that does not depend so heavily upon the burning of gas, coal and oil.

3. Before serious consideration is given to opening the Otero Mesa to exploitation, it would be far wiser in the long run for our government to support efforts to develop alternative energy sources. Among these options are geothermal, wind and solar power. All of these sources have the important advantage of being far cleaner than the fossil fuels.

4. The present administration in the White House has shown little willingness to pursue energy conservation measures, such as supporting efforts to encourage better thermal insulation in buildings, more gas efficient automobiles, and the increased use of fluorescent lighting. Basically, we are in a so-called crisis mode of operation because we have squandered our energy supply for too long simply by being wasteful.

There are other reasons for not drilling in the Otero Mesa, such as the need to protect the rich diversity of wildlife that presently inhabits the Chihuahuan Desert grasslands. Our

primary concern, however, has more to do with the fact that the time for long-range planning is overdue. We need to act more prudently in addressing energy concerns, and for this reason can only consider the prospect of drilling in the Otero Mesa as yet another ill-conceived effort to avoid addressing the real problem, namely that we must stop squandering our limited natural resources.

In closing, we wish to express our appreciation for this opportunity to respond to the Draft Resources Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties

Very truly yours, Carol Price and the following members of Western Voice: Carol Price

Jackie Beechel	Fred Bender	Mary Bender	Laurie McKnight	Alice Liska	Shelia Stricker
Adrienne Bing	Steve Bing	Janet Boor	Glenn Elliott	Jan Mcdonald	Richard McCurdy
Betty Bracher	Katie Crawford	Mary Dykton	Catherine Parker	Rolleeen Stricker	A.J. Tomson
Faith Garfield	Sue Gibbs	Terry Gibbs	Mary Powell	Wes Horner	Lynn McDonald
David VanHulsteyn	Edi Klingner	Gertrude Landmann	VV Horner	Carolyn Stupin	Carol Raymond
George Price	Scott Stricker	Martha Tomson	Peggy VanHulsteyn	Jenny Lindberg	Mark Lindberg
Steve Price	Dan Knobeloch	M.A. Cristello	George Price Jr.	Phyllis DeAlva	Steve Lentz
Marlene Rodgers	Johnathan Kaplan				

cc: The Honorable Senator Jeff Bingaman

June 19, 2001

Tom Phillips, RMPA/EIS
Team Leader, BLM,
1800 Marquess
Las Cruces, NM 88005
Fax: 505-525-4412

Mr. Phillips,

I am writing in comment to the BLM's Resource Management Plan and Environmental Impact Statement that is currently out for public comment on Otero Mesa. I am a botanist by profession, and have worked for several state and federal agencies as a botanist and riparian specialist. I am also a former Park Ranger at Carlsbad Caverns National Park. Oil and gas development between Carlsbad and El Paso deeply distresses me for both environmental and economic reasons. In specific, I think that oil and gas development is short sighted in both economic and environmental areas. It is a definite negative for tourism. It spoils land that is otherwise healthy, chihuahuan desert. All the tourists visiting Guadalupe Mountains National Park and Carlsbad Caverns National Park will see nothing but oil and gas machinery. Not to mention what they will smell. The impact on the environment is even more significant. Plants, animals, and wetlands would all be negatively effected by the proposed oil and gas development.

I support alternative B of your RMPA/EIS. I would also like to add that there should be no new roads created in the planning area. I also strongly suggest the closure of all eight nominated ACEC's and essential habitat for all special status species. There should be no surface occupancy within one mile of riparian area, wetlands or playas. The BLM should not allow exceptions or waivers to the NSO stipulation in remnant grassland patches, and surface use should be limited to within 492 feet of existing roads. Finally, I believe that all the visual resource management class II and VRM areas should be closed to oil and gas development.

I appreciate your time in reading my comments. I hope that the BLM will see past the intense pressure that it is receiving from the oil and gas industry and do what is right for southern New Mexico. Remember long term this land has a much greater value for recreation.

Sincerely,
Holly Harris-Schott

Holly Harris-Schott
HC 12 Box 1200
Roswell, NM 88201

Polypody1@hotmail.com

TOTAL

:eived Jun-20-01 01:14pm From-505 624 6028 To-BUREAU OF LAND MGT Page 02

A See response to Comment A, Letter 31.

B See response to Comment A, Letter 23.

C See response to Comment B, Letter 23.

D See response to Comment C, Letter 23.

E See response to Comment D, Letter 23.

June 19, 2001

Tom Phillips, RMPA/EIS
Team Leader, BLM,
1800 Marquess
Las Cruces, NM 88005
Fax: 505-525-4412

Mr. Phillips,

I am writing in comment to the BLM's Resource Management Plan and Environmental Impact Statement that is currently out for public comment on Otero Mesa. I am a Manager of a New Mexico State Park and a former Park Ranger at Brantley Lake State Park. I am also a member of The Regional Economic Development Through Tourism Project. At Brantley Lake State Park I witnessed the negative effects of the oil and gas industry on the environment and tourism.

Oil and gas development negatively effects tourism and the environment, thus negatively impacting the economy of the area. It spoils land that is otherwise healthy desert. Tourists visiting Guadalupe Mountains National Park and Carlsbad Caverns National Park will see nothing but oil and gas machinery. Unlike the impact on tourism, the impact on the environment is beyond economics. Plants, animals, and wetlands would all be negatively effected by the proposed oil and gas development.

I support alternative B of your RMPA/EIS. I would also like to add that there should be no new roads created in the planning area. I also strongly suggest the closure of all eight nominated ACEC's and essential habitat for all special status species. There should be no surface occupancy within one mile of riparian area, wetlands or playas. The BLM should not allow exceptions or waivers to the NSO stipulation in remnant grassland patches, and surface use should be limited to within 492 feet of existing roads. Finally, I believe that all the visual resource management class II and VRM areas should be closed to oil and gas development.

Thank you for reading my comments. Please see past the intense pressure you are receiving from the oil and gas industry and do what is right for southern New Mexico. Remember long term this land has a much greater value for recreation.

Sincerely,

Edmund Schott

Edmund Schott
HC 12 Box 1200
Roswell, NM 88201

Polypody1@hotmail.com

Received Jun-20-01 01:14pm From-505 624 6029 To-BUREAU OF LAND MGT Page 01

A See response to Comment A, Letter 31.

B See response to Comment A, Letter 23.

C See response to Comment B, Letter 23.

D See response to Comment C, Letter 23.

E See response to Comment S, Letter 23.

June 20, 2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Dear Mr. Phillips:

These comments are to address my concerns on the RMPA/EIS for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties.

A 1. Under 4.2.1 Lands and Access – page 4-7.
All new roads should be reclaimed, probably. If there is calicie put on roads, it will be very difficult to accomplish this. Also seismographic work should be done January through April. This I believe would have less impact. This was done on Bennett #1 and the impact on vegetation was minimal.

B 2. Under Groundwater
Otero Mesa is now a declared basin. Under Oil & Gas – page 4-17 produced water may be injected into target zone with poor quality water. Has there been enough hydraulic water done to know if this would possibly enter other water zones? How do you know that no one out in the rural areas will drink the water? How has it been determined it would not effect the cattle or wildlife that drink the water?

C 3. Under Rangeland for all alternatives it is stated there will be minimal impact.
Range Improvements: If moved or altered will they still have the Section 4 permits? If not, why? If there are more people on the Mesa will we not have to check gates, fences, water and livestock more? Won't these have a major impact monetarily and personal? Will these not have a major impact on the movement of cattle and possibly the loss of cattle from vehicles as happened during the Diamond Shamrock pipe project?

Sincerely yours,

Don L. Lee

Don L. Lee

A It is possible that roads proposed for abandonment may be desirable for other uses. These would be evaluated on a case-by-case basis. Site-specific requirements for reclamation of abandoned roads normally would be identified at the time the road is proposed. The use of caliche would be approved on a case-by-case basis.

Seismographic surveys are evaluated at the time of the proposal and, in areas where fragile soils or other resource concerns dictate, timing constraints may be imposed on the project.

B When proposals are made for the use of injection wells to dispose of produced water, all available groundwater and geologic information will be evaluated to determine necessary engineering requirements so that fresh-water zones are protected.

C If it is determined that range improvements must be moved or altered, the authorizing instrument would be modified, but otherwise remain intact.

Impacts may result due to increased traffic and activity that is associated with exploration and development of oil and gas. Increased vigilance may lead to added costs to ranchers; however, coordination with the operator should minimize this.

People for Native Ecosystems
PO Box 4973
Santa Fe, NM 87502

Mr. Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

June 18, 2001

Dear Mr. Phillips:

People for Native Ecosystems appreciates the opportunity to offer comments regarding the *Draft Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties*. Our primary concern in addressing this issue is our awareness that the black-tailed prairie dog, as a keystone species, must be afforded the habitat necessary for its continued survival as a biologically significant population.

Background

People for Native Ecosystems is a not-for-profit organization formed several years ago for the purpose of protecting and preserving the remaining vestiges of our once thriving ecosystem. Because of its keystone role in the prairie ecosystem, the prairie dog has been the focus of our efforts, although we are equally concerned with the need to ensure the survival of other threatened or endangered associated species, such as the swift fox, black-footed ferret, mountain plover and ferruginous hawk. To this end, we have worked closely with the City Council and members of the city staff in Santa Fe to help craft legislation that will afford the Gunnison's Prairie Dog the protection necessary for its continued existence. We have also worked with the New Mexico State Working Group charged with the responsibility for developing a management plan for the black-tailed prairie dog.

Observations

- The U.S. Department of Fish and Wildlife has determined that the black-tailed prairie dog warrants listing as a threatened species but has been precluded from listing because of other priorities. Instead, the USDFW encouraged the eleven states that have BTPDs to work together according to an agreement that requires the signatory states to develop their own management plans. The State of New Mexico's Working Group convened for its first meeting in August of last year and has been meeting more less monthly since then. One recommendation that has come forward from the Working Group is that private landowners who have BTPDs on their property should receive incentives from the federal government to recompense them for their role in helping maintain a viable population of these animals. Another proposal, introduced by People for Native Ecosystems, recommends that the state and federal governments provide 300,000 acres as habitat to ensure that a biologically significant population of BTPDs can be maintained. A copy of our recommendation is included with this comment.

- Reports from the New Mexico Department of Game and Fish indicate that there are twenty to twenty five black-tailed prairie dog colonies but that the habitat for most of these colonies does not presently exceed five acres. In spite of this small acreage, however, it does represent a reasonable starting point.

• The BLM has jurisdiction over approximately 12 million acres in the State of New Mexico. Approximately 95 of this land is already available for oil and gas development, according to the Albuquerque Journal issue of June 10, 2001. Present "BLM management plans are expected to allow an increase in the number of wells allowed in the oil-and-gas rich San Juan Basin in northwest New Mexico and the Permian Basin in the southeastern part of the state".

• According to environmentalists and biologists, Otero Mesa represents "the last remnants of healthy grassland in New Mexico", and is "one of the most vital wildlife habitats in New Mexico". In addition, ranchers on the mesa are worried that gas drilling could affect ground water quality. Clearly, this fragile land requires and warrants federal preservation.

Conclusions

People for Native Ecosystems recognizes that the amount of natural gas available from drilling may measure in the trillions of gallons and that there is a perceived energy crisis promulgated by the present administration in Washington. At the same time, however, the environmental impact of drilling in this pristine wilderness area makes this approach inappropriate in view of the damage that would be inflicted upon our disappearing grasslands. There is no lack of BLM land presently available for natural gas exploitation in the state of New Mexico, and these options should be pursued first.

Recommendation

A Given the plight of the black-tailed prairie dog and other associated species, we recommend that no drilling be permitted on the Otero Mesa because of the damage it would do to the native ecosystem. Furthermore, we recommend that a substantial portion of this land be maintained in its natural form in order to assure the survival of the Chihuahuan Desert grasslands. The US Department of Fish and Wildlife has recognized the seriousness of the situation with regard to the black-tailed prairie dog. The State of New Mexico has signed on to the eleven states agreement to protect the BTPD and has thus accepted responsibility for ensuring the existence of a viable population of black-tailed prairie dogs. It is our contention that Otero Mesa is optimal habitat and is an excellent site for the state and federal governments to work together to begin the restoration process.

Sincerely,

David B. van Hulsteyn

Sincerely,

Claire Clay

Sincerely,

Kathy Clarke

cc: The Honorable Jeff Bingaman, US Senate
The Honorable Tom Udall, US House of Representatives
Mr. Larry Bell, Director, NMDGF

A BLM must balance management for protection and enhancement of the resources along with management for multiple use, sustained yield, and development of resources in accordance with FLPMA. BLM is required to impose the least restrictive constraints needed to provide adequate protection while allowing for other uses. Adequate protection can be afforded the grasslands by the Proposed Plan (Alternative A Modified) in the PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

June 22, 2001

Tom Phillips
RMPA/EIS Team Leader
Bureau of Land Management
1800 Marquess
Las Cruces, NM 88005

FAXed to: 505-525-4412

Dear Tom,

A I am writing to let you know that I strongly support the protection of the natural environment of Otero Mesa and that I support Alternative B of the EIS. I feel it is especially important to avoid construction of new roads on the mesa. The appearance of new roads results in fragmented plant communities, wildlife habitat, and soil destruction that lasts a very long time.

To further protect the environment, I urge BLM to:

B 1. implement discretionary closures of all eight of the nominated Areas of Critical Environmental Concern and essential habitat for all special status species, in order to prevent further losses.
C 2. allow no surface occupancy within a half mile of riparian areas, wetlands, and playas.
D 3. allow no exceptions or waivers to the no surface occupancy stipulation in remnant grassland patches and limit surface use to within 492 feet of existing roads.
E 4. close all Visual Resource Management Class II areas and VRM limited areas.

Chihuahuan Desert grasslands are all but destroyed in the rest of the United States, and Otero Mesa protects some of the last fragile remnants. If we don't take these necessary precautions during oil and gas exploration and drilling, we may very well lose what's left. And that would be a travesty.

Thank you,

Renée West

Renée West

1105 Ocotillo Canyon Dr.
Carlsbad, NM 88220

A See response to Comment A, Letter 31.

B See response to Comment A, Letter 23.

C See response to Comment B, Letter 23.

D See response to Comment C, Letter 23.

E See response to Comment D, Letter 23.

June 22, 2001
Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

RE: Comments on Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for Federal Fluid Mineral Leasing and Development in Sierra and Otero Counties

Dear Mr. Phillips:

These comments are submitted on behalf of Defenders of Wildlife (Defenders). Defenders is a national non-profit, public interest organization with 430,000 members and supporters, 5,700 of whom live in New Mexico. Defenders works to preserve the integrity and diversity of natural ecosystems, prevent the decline of native species, and restore threatened habitats and wildlife populations. Defenders appreciates this opportunity to comment on the Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for Federal Fluid Mineral Leasing and Development in Sierra and Otero Counties in New Mexico. Following are some concerns we have regarding the proposed alternatives and planning process.

A

Protection for the aplomado falcon:
Defenders is concerned with the lack of protection for the federally-endangered northern aplomado falcon under the proposed development scenario for the planning area. The falcon has been sighted numerous times in the planning area in the last decade and is known to nest over the border in Mexico. Under section 7(a)(1) of the Endangered Species Act the BLM must develop a program for the conservation of this endangered species but so far has not, despite urging by the US Fish and Wildlife Service. Absent any defined conservation strategy by the BLM, federal efforts to protect the aplomado falcon are hindered by undervaluing its potential habitat in the planning area. The impacts common to all of the alternatives considered would increase habitat loss and fragmentation through the construction of numerous well pads, pipelines, and many miles of new roads. Disturbance in the forms of increased traffic, human presence, and continuous noise would also be detrimental to attempts to conserve and restore the aplomado falcon. Additionally the aplomado falcon recovery plan developed by the US Fish and Wildlife Service in 1990 recommended that suitable habitat on public lands should be identified and protected to support the falcon's recovery. Much of the habitat in the planning area fits this description. Critical habitat areas for the aplomado falcon should be identified and incorporated into decisions made under this resource management plan.

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Washington, DC 20005
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A

Within New Mexico, aplomado falcons historically were reported in Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, and Sierra Counties. The most recent observations in Otero County, within the northern extent of the aplomado falcon's range, were two sightings on McGregor Range in 1999, and one sighting of a pair of falcons on Otero Mesa about 15 miles north-northeast of the Bennett Ranch unit on November 2001. There have not been any sightings of birds in Sierra County; the last confirmed sighting was in 1924.

Habitat for the aplomado falcon is variable over its range, but generally consists of open terrain with scattered trees and shrubs. Within the Chihuahuan Desert, aplomado falcons typically occur in open grassland areas with scattered mesquite or soaptree yucca or Torrey yucca. The grasslands of the Nutt and Otero Mesa areas have the potential to support the aplomado falcon.

The aplomado falcon's sensitivity to impacts is relatively unknown. They are known to occur in eastern Mexico in a rural agricultural landscape in proximity to humans. In northern Chihuahua, aplomado falcons coexist with active livestock grazing. These areas also have maintained the open mesquite and/or yucca grassland habitat, but little quantitative work has been completed to compare this habitat to vegetation conditions in the United States. It is anticipated that impacts on the aplomado falcon's habitat could result from direct impacts that would physically affect the falcon or its habitat or indirect impacts resulting from human activities (e.g., vehicular activity, noise, fragmentation of habitat). Based on the analysis for this RMPA/EIS, BLM has determined the impacts that could occur are not significant and implementation of the fluid mineral leasing program for Sierra and Otero Counties could result in a "May Effect – Not Likely to Adversely Affect" situation for the aplomado falcon.

However, for certain areas of the Otero Mesa (Map 2-1A and Appendix F) and Nutt desert grassland habitat areas, BLM is proposing a stipulation to control surface use by limiting industry's disturbance to no more than 5 percent of the leasehold at any one time. This stipulation in combination with standard lease protections, conservation measures, and best management practices should reduce potential impacts.

B

The National Environmental Policy Act requires the development of a full range of reasonable alternatives (42 USC §4332). Defenders feels that a no leasing alternative and a reduced development alternative are reasonable alternatives that were not adequately addressed or developed as part of the draft.

We are concerned by the failure to include alternatives that analyze the effects of no leasing or reduced development in the planning area. The three alternatives in the plan all evaluate the effects of oil and gas development based on the level assumed in the Reasonable Foreseeable Development (RFD). They all assume fulfillment of the RFD and only achieve different levels of wildlife protection by varying the recommended stipulations. Without a true conservation alternative there is no way to evaluate and compare the actual wildlife and habitat impacts of the development alternatives. As the largest remaining unfragmented example of this habitat type on public lands, this area is vital to many species, especially big game, large predators, and raptors that require large areas of undisturbed land to maintain healthy populations. The numerous wildlife and habitat values that may be put at risk by the provided alternatives requires that serious consideration be given to no leasing and reduced development alternatives. Proceeding without these alternatives violates NEPA and makes the recommendation of the development alternatives appear predetermined, thus invalidating the process. Defenders strongly encourages the BLM to develop and seriously consider a no leasing alternative and a reduced leasing alternative that would lend credibility and balance to the decision process.

Thank you for considering these comments.

Sincerely,

Noah Matson
Science Policy Analyst

Page 2

Received Jun-22-01 11:32am From- To-BUREAU OF LAND MGT Page 02

B Refer to Chapter 2, Section 2.3.1.1, No New Leasing for Fluid Minerals Development.

PLA Comments - Otero & Sierra County Draft RMP Amendment and Leasing EIS
June 22, 2001

Received via e-mail
6-22-01

Page 1

Public Lands Advocacy

Claire M. Moseley
Executive Director
1410 Grant Street, suite C207, Denver co 80203 • phone (303) 860-0099 • fax (303) 860-0310 • email pla@1410grant.com

June 22, 2001

Mr. Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005
Tom_Phillips@nm.blm.gov

Re: Comments to DRMPA & EIS
For Federal Fluid Mineral Leasing & Development
Sierra & Otero Counties, New Mexico

Dear Mr. Phillips:

On behalf of Public Lands Advocacy (PLA), following are comments on the Resource Management Plan Amendment/Environmental Impact Statement on Leasing in Sierra and Otero Counties. PLA is a non-profit organization whose members' include major and independent petroleum companies and non-profit trade a professional organizations that have joined together to foster the interests of the oil and gas industry relating to responsible and environmentally sound exploration and development on federal lands. PLA's members are extremely disturbed by the manner in which BLM prepared the DEIS and the proposed action contained therein because they show a clear bias against future oil and gas leasing and potential development. Moreover, there appears to be a gross lack of knowledge and understanding of the oil and gas industry, which is reprehensible for an agency charged with administration of the federal minerals program, as well as BLM's own planning process.

Comments Incorporated by Reference

In the interest of not reiterating previously filed comments by members of PLA, the comments submitted by Burlington Resources to BLM on this RMP and DEIS are hereby incorporated by reference into this comment letter. In addition, PLA also incorporates by reference comments submitted by the New Mexico Oil and Gas Association (NMOGA) and HEYCO. These comments address specific technical issues that must be given full consideration by BLM. In addition, they provide information with respect to industry technical capabilities that must be understood by BLM as the land managing agency.

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General

We strenuously object to the clear bias against oil and gas leasing and development contained in the subject document. Contrary to BLM's responsibility as a federal land management agency, it is obvious the Las Cruces Field Office has endeavored to find any means possible, even those that defy BLM's own requirements, to avoid future exploration and development. These means include:

A • Failure by the agency to make leasing decisions in the planning document
B • Failure to provide definitions of some lease stipulations, i.e., controlled surface use
C • Excessive, unjustified use of no surface occupancy stipulations
D • Using industry data to intentionally close lands with the highest mineral potential and interest to future leasing and development
E • Instituting absurd requirements that are impossible to meet, such as drilling from existing roads
F Trumped up claims that Aplomado Falcon habitat must be protected when there is little or no evidence of its use of the area
G • Failure to adequately address valid existing rights
H • Nondisclosure of routine mitigation measures that could be used to limit impacts from oil and gas development and production activities
I • Shifting the costs of inventories and surveys to industry when they are the responsibility of BLM as part of the planning process
J • Ignoring the increased costs of the excessive restrictions being proposed for future activities

K Due to the many inconsistencies and biases against existing and future oil and gas exploration and development, we strongly recommend that the agency reevaluate its analysis and prepare a redrafted document that addresses the concerns iterated above.

Planning Process

BLM states on page S-5, "*This RMP/EIS is programmatic in nature and too broad in scope to define the relationships between potential fluid minerals activities and other past, present, and reasonably foreseeable future actions since it is not known at this time which land will be available for leasing and how that land and associated resources will be managed for fluid minerals activities. Therefore past, present and potentially reasonably foreseeable future actions are addressed generally in this document and will be considered on a case-by-case basis for each lease application and application for permit to drill (APD).*" It is curious that BLM would actually adopt language that is virtually identical to language derived from appeals filed by environmental groups. It is obvious that neither these groups nor the Las Cruces Field Office have the foggiest idea of how the BLM planning process works. The purpose of the BLM planning process is directed at making the very decisions, i.e., leasing, that BLM proposes to put off until the future. **BLM's approach in this document is completely contrary to long-term BLM guidance.** The following guidance is taken directly from BLM's H-1601-1 Land Use Planning Handbook: L

F. Fluid Minerals: Oil and Gas, Tar Sands, Geothermal Resources, and Coal Bed Methane

1. ***Land Use Plan Decisions:*** Identify the following consistent with the goals, standards and objectives for natural resources within the planning area:
   a. Areas open to leasing, subject to the terms and conditions of the standard lease form

A BLM is required to determine (1) which lands overlying Federal fluid minerals are suitable and available for leasing and subsequent development and (2) how those leased lands will be managed. The RMPA accomplishes those requirements.

B The manner in which a stipulation to control surface use would be applied is described in Appendix D. Since issuing the Draft RMPA/EIS, BLM has re-evaluated the stipulations in concert with the resource concerns and has determined that protection of certain resource concerns can be accomplished sufficiently through conditions of approval of an APD. Therefore, some of the stipulations have been eliminated from or modified in the RMPA/EIS.

C Based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM has re-evaluated the use of the NSO stipulation for the Nutt and Otero Mesa grasslands and has developed a stipulation to control surface use that would allow industry to achieve the RFD with less restriction while providing adequate resource protection.

D Industry data were not used in the analysis because the data were considered by industry to be proprietary and were not made available. BLM was invited to meetings of industry representatives (i.e., a southeast New Mexico subgroup of the New Mexico Oil and Gas Association) on a number of occasions to present data and information, receive feedback, and discuss the status of the planning effort. Based on a discussion by the group on September 28, 1999, BLM reviewed and increased the RFD scenario.

E See response to Comment F above.

F See response to Comment A, Letter 12.

G Refer to Chapter 1, Section 1.1, fifth paragraph, which states that the decisions resulting from this RMPA have no effect on existing leases

H Best management practices are in Appendix B.

I See response to Comment W, Letter 123.

J BLM s recognition of this is evidenced in Section 4.3.1, page 4-84, first paragraph under minerals in the Draft RMPA/EIS. For the PRMPA/FEIS, the statement has been modified to read Overall, within BLM s Decision Area, the surface management constraints as well as required mitigation procedures and best management practices imposed by the Proposed Plan are not anticipated to significantly impact the ability to explore for or exploit oil and gas resources. However, in localized and environmentally sensitive areas, surface management requirements potentially may burden the project economics such that project activities may be delayed. Some surface management measures are more financially burdensome to the operations (such as avoidance management that may require directional drilling). As a result, the cost of management requirements versus the anticipated revenue of the project may make the project unattractive or even infeasible. In localized situations such as this, the ability of the industry to explore for or exploit oil and gas resources could be adversely impacted.

K Based on public comment on the Draft RMPA/EIS, BLM conducted further analysis.

L BLM s H-1624-1, Supplemental Guidelines for Planning for Fluid Minerals Resources (May 1990), was used to guide the planning process for this RMPA/EIS. The RMPA/EIS also complies with guidelines of BLM s H-1601-1, which was issued in November 2000, a month after the Draft RMPA/EIS was issued. The statement on page S-5 is in reference to a discussion of cumulative effects. Because the document addresses the Federal fluid minerals program in a large area and is not intended to address nor identify any site-specific projects, it is not possible to determine the relationships between site-specific projects and other past, present, and reasonably foreseeable future actions. When the location of a specific action is known, then an analysis of the cumulative effects can be completed.

Regarding leasing decisions, see response to Comment D above.

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b. Areas open to leasing, subject to minor constraints such as seasonal restrictions. (these area areas where it has been determined that moderately restrictive lease stipulations may be required to mitigate impacts to other land uses or resource values)
c. Areas open to leasing, subject to major constraints such as no surface occupancy stipulations on an area more than 40 acres in size or more than ¼ mile in width. (These area areas where it has been determined that highly restrictive lease stipulations are required to mitigate impacts to other lands or resource values. This category also includes area where overlapping minor constraints would severely limit development of fluid mineral resources.)
d. Areas closed to leasing. (These are areas where it has been determined that other land uses or resource values cannot be adequately protected with even the most restrictive lease stipulations; appropriate protection can be ensured only by closing the lands to leasing.) Identify whether such closures are discretionary or nondiscretionary.
e. Lease stipulations that apply to areas open to leasing.
f. Whether the leasing and development decisions also apply to geophysical exploration.

A determination that lands are available for leasing represents a commitment to allow surface use under standard terms and conditions unless stipulations constraining development are attached to leases. All stipulations must have waiver, exception, or modification criteria documented in the Plan (H-1624-1 and 43 CFR 3101.1-4). When applying leasing restrictions, THE LEAST RESTRICTIVE CONSTRAINT TO MEET THE RESOURCE PROTECTION OBJECTIVE SHOULD BE USED (see H-1624-1) [emphasis added]

2. ***Implementation Decisions***: Address site-specific actions such as geophysical exploration, approval of applications for permit to drill (APDs), well siting, tank battery placement and pipeline routing.

M In addition, specific language in H-1624-1 Planning for Fluid Mineral Resources, Chapter IV, also provides BLM with similar guidance. Clearly, BLM is sidestepping is primary responsibility as a land management agency. Specific portions of the Supplemental Program Guidance are cited below:

H-1624-1 - Planning for Fluid Mineral Resources

- The SPG for fluid minerals describes a number of fluid mineral determinations that...are required in every resource management plan and every fluid minerals plan amendment (BLM MS 1624.21)

- The RMP or plan amendment must identify those portions of the resource area that will be 1) open to leasing, exploration and development under the terms and conditions of the standard lease form; 2) open to leasing, exploration and development under seasonal or other minor constraints; 3) open to leasing exploration and development under no surface occupancy and similar major constraints; 4) closed to leasing for discretionary reasons; and/or 5) closed to leasing for nondiscretionary reasons...Management area determinations must be displayed on a map

N How can BLM justify its lack of leasing decisions in light of the above requirements. They cannot, and therefore, must reassess its approach to ensure consistency with BLM's planning requirements.

Conclusion

M Refer to Chapter 2, Section 2.3 and Draft RMPA/EIS Maps 2-1, 2-2, and 2-3, see response to Comment L above.

N Refer to Chapter 2, Section 2.3 and Draft RMPA/EIS Maps 2-1, 2-2, and 2-3, see response to Comment L above.

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Once again, there is no question that BLM policy requires the Las Cruces Field Office to make the oil and gas leasing decisions in the resource management plan. Therefore, it is absolutely critical for BLM to undertake a redraft of the proposed planning documents to accomplish several objectives:

- Make specific leasing decisions in the RMP amendment and a new draft EIS
- Ensure that the leasing decisions are based upon sound science rather than pseudo-science promoted by BLM employees who object to any type of oil or gas development within the study area
- Ensure that the need for lease stipulations are fully, scientifically documented
- Ensure that conditions of approval are reasonable and consistent with valid existing lease rights
- Describe the resource condition objectives and the levels of protection that will be used to achieve these objectives
- Identify all circumstances for granting a waiver, exception or modification of lease stipulations
- Fully justify BLM's proposed constraints on leasing and development in conjunction with the industry's geologic information

P

The Administration's National Energy Policy and Executive Order 13211 direct all federal agencies to examine land status and lease stipulations as well as impediments to federal oil and gas exploration and development. In addition, direction to expedite permits and other federal actions necessary for energy-related project approvals on a national basis is provided. Also included in the National Energy Policy is direction to each agency to include an energy impact statement in any regulatory action that could significantly and adversely effect energy supplies, distribution or use. It is our view that the Otero/Sierra County proposal will clearly severely effect supply and distribution of oil and gas resources due to added delays associated with any attempt to operate on public lands. Current disincentives, alone, are such that many operators already avoid, activities on public lands due to excessive NEPA (National Environmental Policy Act) compliance, excessive use of stipulations/conditions, protracted delays in obtaining permit approvals and unwarranted use of discretionary authority to place millions of acres of high potential public lands off limits to oil and gas exploration and production activities.

The Las Cruces Field Office must address all the above issues before finalizing, adopting and implementing any plan amendment for Sierra and Otero Counties. Industry is willing to work with BLM in an attempt to reach a mutually agreeable solution with respect to oil and gas development. However, the agency, itself, must be willing to make a commitment to work with industry rather than giving lip service to the planning process.

Please do not hesitate to contact me if you have any questions regarding our views and comments.

Sincerely,

/signed/ [redacted]

Claire M. Moseley
Executive Director

Cc: The Honorable Gale Norton
Ms. Nina Rose Hatfield, Acting BLM Director
Ms. Michelle Chavez, NM State Director
Mr. Henri Bisson, Assistant Director
Mr. Del Fortner, Manager Fluids Group

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Refer to Chapter 2, Section 2.3 and Draft RMPA/EIS Maps 2-1, 2-2, and 2-3; PRMPA/FEIS Map 2-1; and see responses to Comments D and L above.

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The BLM policy does not require an energy impact statement to be included with or in the regulatory action. A statement of adverse energy impact is required after any action is taken that might affect energy production adversely. The BLM will prepare a statement of adverse energy impact after the Record of Decision and Final RMPA are published.

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Received via e-mail 6-22-01

Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Attn: Tom Phillips

RE: **COMMENTS**
RMPA/EIS for Federal Fluid Minerals Leasing
Sierra and Otero Counties, New Mexico
Draft Plan Amendment/EIS

Dear Tom,

We are please to participate in the planning process for the Sierra and Otero County, Bureau of Land Management Resource Management Plan Amendment.

The first discussion is about the planning process in general and then the following discussion is about specific issues throughout the plan.

A Comments in the second paragraph on page S-1 raise the question of whether a plan amendment is necessary. The plan says NEPA compliance will be required for all site-specific actions. The plan amendment is intended to streamline and facilitate the programmatic evaluation of impacts. If BLM intends to do site specific work on Applications to Drill and Rights of Way, then there is no need for a new Amendment.

In fact there is no need for the Amendment because NEPA does not require this depth of work. BLM has interpreted NEPA to require actions never intended by Congress. The draft document contains concepts that are completely new to BLM and the oil and gas industry.

A For its time, the 1986 RMP adequately addresses environmental protection given the minimal level of oil and gas development. However, as stated in Chapter 1, Section 1.1, for current decisions, the 1986 RMP was found to lack enough information to make leasing decision commensurate with the increased leasing nominations and potential subsequent exploration and development. BLM is conducting this RMPA/EIS to be consistent with current laws, regulations, and supplemental guidelines for fluid minerals leasing.

B There is an underlying, unspoken assumption that the presence of an oil and gas industry creates adverse affects on the environment. There is no evidence that every oil and gas activity results is environmental impacts. The implicit idea here is that the impact is always adverse. This is not accurate. Just being there does not result in environmental impacts or adverse impacts. The tone of much of the language in this draft assumes an adverse impact on other resources and the environment. According to an IOGCC report the oil and gas industry spends over $2.6 billion per year complying with environmental regulations. This is the equivalent of about $2.00 per barrel of oil. The American Petroleum Institute compiled a study indicating that the oil and gas industry, in 1996, spent, on the environment, twice the EPA annual budget.

C Chapter 1, 1.1 Purpose and Need at the fourth paragraph on page 1.1 says that increased interest in leasing in the area required writing an Amendment to the 1986 RMP. The first paragraph on page 1-3 says the planning process will identify which lands will be made available for leasing and what requirement and stipulations will be put on those lands. There is no evidence presented in the Draft and in fact no evidence exists to indicate there are adverse affects on the environment from oil and gas activity. In fact the industry has worked off shore, in Louisiana and Alaska in very environmentally sensitive areas with no adverse affects. The EPA said, in 1999. that the oil and gas industry has one of the lowest percentages of facilities with enforcement actions taken of any other industry.

D This entire document should be withdrawn.

E Section 2.2.3, Soils on page 2-4 should have text added to indicate that most oil and gas locations for drilling and production use about 1 to 1.5 acres including a quarter mile of road. Some locations may be larger while the well is being drilled, but will be smaller if production is established. The footprint made by oil and gas has negligible impact on soil or erosion. There is no documentation in the draft of any instances of adverse affects to soils so none can be assumed.

F Section 2.2.4, Water Resources, beginning on page 2-5 should be amended to indicate very little water will be used by oil and gas operations. A RECENT STUDY IN TEXAS INDICATED THE OIL AND GAS INDUSTRY USED ABOUT 1% TO 2% OF THE WATER WITHDRAWN. THE SALE OF water. FOR OIL AND GAS OPERATIONS PROVIDES local RESIDENTS A BUSINESS OPPORTUNITY. THE PLAN SHOULD INCLUDE A TABLE INDICATING THE DEPTH TO GROUNDWATER IN MOST OF THE PLANNING AREA. *THERE ARE NO OBJECTIVE, SCIENTIFICALLY PROVEN INSTANCES OF CONTAMINATION.*

G 2.2.6, Noise on page 2-8 must be deleted in its entirity. Any noise created by Industry is a short-term noise. nOTES THIS IS A RURAL, SPARCELY POPULATED AREA.and OUR LOCATIONS ARE USUALLY LOCATED AWAY FROM HUMAN ACTIVITIES the Planning Area is primarily undeveloped with vast open spaces which implies that the noise made by Industry would not/could not disturb humans.No scientific evidence is provided in the draft proving that oil field noise disturbs wildlife. On the contrary, many species live and nest around oil field equipment.

B Disturbance from extractive activities is inevitable. However, reduction of the effects from disturbance is accomplished by (1) avoiding a certain action or parts of an action, (2) employing certain construction measures to limit the degree of the impact, (3) restoring an area to preconstruction conditions, (4) preserving or maintaining an area for the life of a project, or (5) replacing or avoiding substitute resources to the environment (see Mitigation in the Glossary). Appendix B — Surface Use and Best Management Practices describes the various types of practices that are designed to minimize surface disturbance and effects on resources. The practices represent effective and practical means of accomplishing land and resource management goals and objectives, and are used as a guide when preparing plans and details that are specific to individual projects.

BLM agrees that some impacts can be beneficial.

C See response to Comment B above.

D See response to Comment A above.

E As stated in Chapter 4, Table 4-1, Notes, and Appendix A, Table A-5, Notes, BLM assumed 6 acres (400 by 600 feet) for the drill pad (including worker camp) and 3 acres per access road for a total of 9 acres. The source of this assumption is drill pad requests from the Bennett Ranch Operators and assumptions based on historical data made in the BLM Roswell/ Carlsbad Resource Area (1994).

F Section 2.2 of Chapter 2 is not the appropriate section of the RMPA/EIS to make a statement like the one suggested by the writer. The purpose of Section 2.2 of Chapter 2 is to describe the Federal and State regulations and BLM s management direction that guides BLM s actions in BLM s Decision Area. The more appropriate location for such a statement in the document is in Chapter 4 — Environmental Consequences where the potential effects of fluid mineral activities are addressed. Refer to Section 4.2.1.4 of this PRMPA/FEIS for the description of the effects on water resources.

As shown on page viii of the Draft RMPA/EIS, BLM prepared a map, MSA 11 — Depth to Groundwater as part of the Management Situation Analysis, but chose not to include it in the RMPA/EIS. MSA 11 — Depth to Groundwater is available for review at BLM s Las Cruces Field Office.

H 2.2.9 Special Status Species.should be amended to indicate THE QUESTION IS WHETHER AN INDUSTRY ACTIVITY AFFECTS any HABITAT OF AN ENDANGERED SPECIES. oil and gas ACTIVITIES MUST NOT BE LIMITED UNLESS THERE IS SCIENTIFIC EVIDENCE OF AN ADVERSE AFFECT.
it is clear that in many instances, speculation is involved when points are made on the topic of habitat and certain plant and animal species. In many of the descriptions it is patent that certain plants and animals do not exist in the area. delaying A PROJECT in anticipation of the plant or animal appearing. IS NOT APPROPRIATE.

I In Section 2.2.17 on page 2-20 the last two paragraphs dealing with hazardous waste must be deleted because they are erroneous. Most of the waste generated at drilling or well sites are not hazardous. Studies in Louisiana found that the oil field has a very high volume of waste, but that the hazardous materials in the waste was very low volume. This draft is full of statements that are not supported by any documentation.

J Existing land uses, 3.4.2 needs an addition. ***the BLM, in accordance with the Recreation and Public Purposes (R&PP) has the authority to lease or patent public land to governmental or nonprofit entities for public parks, building sites, or other public purposes. RECREATION leases AND PATENTS ARE PERMANENT. The oil and gas Industry has short-term leases compared to some of the existing land uses. existing land uses, such as landfills, condemn the lands. oil and gas explores, produces and reclaims.***

K Future land uses, 3.4.3 on page 3-6 needs additional language. . Industry's IMPACT WILL be consistent with the primary objective of the Otero County Comprehensive Plan, "The primary objective of the Sierra County Council of Governments' overall economic development program is to promote sufficient economic opportunity within the County for residents to find suitable and adequate compensated employment." the oil and gas Industry has added significantly to the ECONOMIC GROWTH of several SOUTHEAST AND NORTHWEST NEW MEXICO cities and counties and WILL add to the overall economic development of Otero and Sierra Counties.

L On page 4-3 BLM presents a chart showing the extent of disturbance by oil and gas activity in the two counties. An additional observation must be added to the chart. If we take the total acres in the counties from page 3-5 and compare the total acres to be disturbed from the chart on page 4-3, we find that 99% of the land area will remain undisturbed.
What possible justification exists for the drafting of an Amendment to deal with the use of 1% of the land. Even on the 1% there is no evidence offered that there will be an adverse affect from oil and gas activity on that tiny bit of land.

M The last paragraph on page 4-7 should be deleted. The concept of fragmentation of habitat as that occurs in the oil field is not scientifically established.

N The next to last paragraph on page 4-11, 4.2.3, Soils, should be deleted. There is no evidence of any of those impacts in the oil field. The industry must build stable locations and roads or we cannot do business. Many things are listed that may happen, but they have not been a problem in SE New Mexico.

O In the Appendix at A-I-4 wording in the section on the Endangered Species Act should be changed. My research indicates the words "may affect" should be deleted and the

G As stated above, the purpose of Section 2.2 of Chapter 2 is to describe the Federal and State regulations and BLM management direction that guides BLM s actions in BLM s Decision Area. See response to Comment M, Letter 101.

H As indicated above, the purpose of Section 2.2 (including 2.2.9) is to describe the Federal and State regulations and BLM management direction that guides BLM s actions in BLM s Decision Area. For purposes of this document, the level of detail regarding the potential for special status species to be present or absent is appropriate. When an APD is submitted, BLM conducts site-specific review to determine whether or not special status species or habitat would be affected by the proposed activities.

I As indicated above, the purpose of Section 2.2 (including 2.2.17) is to describe the Federal and State regulations and BLM management direction that guides BLM s actions in BLM s Decision Area.

J The text in Section 3.4.2 appropriately describes the existing R&PP patents and leases in the BLM s Decision Area.

K The potential beneficial effects of fluid mineral activities is addressed in Chapter 4, Section 4.2.1.7.

L See response to Comment A above.

M The potential for increased fragmentation of habitat is an issue that was raised by the public during the scoping process early in the project and must be addressed. Section 4.2.1.9 in this PRMPA/FEIS presents more explanation of the issue.

N The paragraph referred to appropriately describes the impacts on soil that could result from fluid mineral activities. However, collaboration between BLM and the operator in developing mitigation measures and diligence in accomplishing the work would result in lessening the potential impacts.

O The statement in the document (Draft RMPA/EIS, page A-I-4) is correct. The statement is Federal agencies proposing an action or processing an action proposed by a third party that may effect the existence of an

O (cont.) words " jeopardize or substantially modify its habitat" inserted. The standard required by the Act is more stringent than "may affect".

P The first paragraph on page A-III-1 giveth and then taketh away. It recognizes that oil and gas activities may create some harm. Then it says operators may have to use special techniques to minimize harm. All the federal laws and regulations dealing with oil and gas recognize that there may be some effect from operations, but point out that is acceptable in light of the royalties paid to the treasury. It also assumes that impacts are adverse.

Q There is an error on page A-III-5 where the draft says a location can be moved up to 200 meters. The IM called for a project to be moved up to 200 feet, not 200 meters.

R The tone of the language in the best management practices on page A-III-6 indicates BLM believes all oil and gas activities have an adverse affect on others. Such a belief is not supported by facts. No data is presented to support that belief and all such references should be removed. The draft says all seismic operations will be monitored during and after activities. The wording should be changed to indicate that monitoring will be accomplished only when there is objective, scientific evidence of an adverse affect on a protected resource. There is nothing wrong with conflicts unless there is some adverse affect.

S The seismic management practices should be removed because there is no evidence of any problems presented in the draft.

T The Administrative Requirements on page A-III-7 go beyond anything BLM does in the SE or NW. BLM does not have the manpower to comply with these requirements. In other areas we may have a pre-construction meeting but it is not mandatory. BLM proposes to micro manage oil and gas operations. Safety training is part of all projects, but it is not up to BLM to monitor it. Safety is the domain of another federal agency. We are required to furnish a copy of the approved APD to all sub contractors. If BLM is going to guide all the projects, then they need to become a working interest owner. The third paragraph of Administrative Requirement must be deleted.

U The section on well sites at page A-III-8 violates the principle of multiple use. The oil and gas industry must avoid everything and not be visible to the public. The industry is not equal to anyone and has a priority below every other user or resource on the public lands. This section is another example of the assumption that oil and gas activity affects every other public lands use and the affect is negative. All the options are left to the whim of the BLM Authorized Officer. There are many terms used that are not oil field usage and can lead to misunderstanding.

V The draft requires industry to avoid livestock and wildlife water supplies by 400 meters. That is about 1200 feet. At that distance the geology could be totally different. This is new avoidance and not used in the SE or NW We should only avoid when we will have a serious negative affect.

O (contd.) identified species must consult with the FWS to determine if, and how, the proposed action would affect those species. It is the FWS that makes the determination whether an action may jeopardize or substantially modify its habitat.

P BLM is unaware of language in Federal laws and regulations dealing with oil and gas that recognize there may be some effect from operations, but point out that is acceptable in light of royalties paid to the Department of the Treasury.

Disturbance from oil and gas activities is inevitable; however, it is BLM s intent to minimize the amount of surface disturbance and effects on other resources and retain the reclamation potential of the disturbed area. As stated in Appendix A-III in the Draft RMPA/EIS (Appendix B in this PRMPA/FEIS), the best management practices described should not be construed as rigid requirements that would be applicable to every situation but, rather, are ideas and examples that have been successful, from which site-specific applications can be developed. The operator and surface-management agency working together can develop the best approach to achieve the management objectives in each situation.

Q The citation is 43 CFR 3102.1-2 "Measures shall be deemed consistent with the lease rights granted provided that they do not require relocation of proposed operations by more than 200 meters, require that operations be sited off the leasehold, or prohibit new surface disturbing operations for a period in excess of 60 days in any lease year."

R BLM is responsible for managing public land for multiple use and has developed management direction for other resource concerns as well; however, this RMPA/EIS is specific to fluid minerals. Also, see response to Comment B above.

As the steward of Federal fluid minerals, BLM has the responsibility to monitor all fluid mineral activities to ensure that operations comply with requirements.

As stated in the response to Comment P above, the best management

S practices described should not be construed as rigid requirements that will be applicable to every situation but, rather, are ideas and examples that have been successful from which site-specific applications can be developed. The operator and surface-management agency working together can develop the best approach to achieve the management objectives in each situation.

T BLM is responsible for providing such guidance for Federal fluid mineral activities. The statement will remain unchanged; that is, the [BLM] Authorized Officer will guide the project during all stages of the project including construction of roads and well pads, drilling and completion of the well, reclamation, preparation for production, and abandonment.

U The content of the section provides guidance for environmentally sound and wise use of public land. The BLM Authorized Officer is expected to use reasonable and knowledgeable professional judgment in making decisions.

V See response to Comment S above.

W Well locations must avoid actual or planned wildlife improvements by 200 meters. That is over 600 feet. The use of meters sounds as if the impact on our industry would be negligible when in fact it is substantial. Avoiding a planned improvement is too wide open. Planned for when? We do not avoid planned improvements in SE or NW. We should not have to avoid unless it can be scientifically proven that we will have a serious negative affect. The survey crew will not disturb wildlife to the extent a wildlife biologist must survey the area before our crew goes in to flag the project. BLM is creating another new industry.

X The management practices may require hiding the location and production equipment. From whom? Most of the areas are rural and no one will see the equipment. But if they do, is oil and gas equipment uglier than a windmill, or power lines, or communications towers? The oil and gas industry provides over $1 billion to the federal treasury, but we must avoid all public places, scenic areas, hilltops and natural or man made structures.

Besides being discriminatory, the cost will be tremendous. While prices have recovered, the industry will take several years to recover.

Y Construction requirements indicate we must avoid construction during wet weather. It is our economic best interest to do this, but BLM is not qualified to decide when it is too wet. BLM must naturally err on the side of caution. Delete this requirement.

Z We do not leave the remediated pit areas fenced. The draft requires a fence to be left in place for two growing seasons. Inherent in this is that we must keep all these fences in good repair. I notice there is no provision for asking the rancher what he wants done. If it is a dry hole and the road is taken out, how do we get to the site? In many instances we will not even have the lease any more. This is unworkable and should be deleted.

AA Closed pit systems are rarely used in the United States. There is a requirement to use a closed pit system in listed circumstances, but no mention of a requirement for there to be objective serious harm to some resource. Closed pit systems do not work well in that the viscosity of mud cannot be controlled. The cost of drilling goes up because the mud is heavier and penetration rates do down. We are opposed to the use of closed systems.

BB Painting as should only be required when productions facilities can be seen from a public state or US highway. The draft is written as if any color could be chosen by the Authorized Officer. We already have standard colors and these should not be changed. Many companies have spent a great deal of money developing a weather and rust resistant paint.

CC There should be no noise requirements until it has been scientifically demonstrated that oil and gas operations adversely affect wildlife.

DD We are not involved in the control of noxious weeds and should be forced to become involved. Delete references to noxious weeds.

W Both feet (or fraction of a mile) and meters are stated in the text of the Draft RMPA/EIS. Feet or fraction of a mile is used in the PRMPA/FEIS.

Regarding the writer s statement avoiding a planned improvement is too wide open, it is unclear to what text the writer is referring.

X If the writer is referring to the three practices relevant to visual resources on page A-III-9 in the Draft RMPA/EIS (Appendix B in the PRMPA/FEIS), the intent is to minimize visibility of fluid mineral activities to the extent practical.

Y The statement T ime construction activities to avoid wet periods is general and allows for interpretation, but is intended to promote avoidance of excessive surface damage.

Z Industry would be responsible for the reclamation and BLM may require fences to be maintained (refer to Appendix B). The questions would be addressed in a site-specific reclamation plan, which would be part of the APD process. If BLM requests reseeding and reseeding as a condition of approval of the APD, the operator must adhere to the requirement whether or not the lease has expired or changed hands. The oil and gas companies usually work with the rancher on maintenance of the fences. The rancher does not have the final say on BLM-controlled surface, but usually is consulted for opinion and help, if needed.

AA The statement regarding closed pit systems (page A-III-10 of the Draft RMPA/EIS) has been eliminated.

BB The statement Aboveground structures that are not subject to safety requirements should be painted to blend with the natural color of the landscape limits the pallet of colors to those of the natural landscape. If the colors that have been developed by industry include natural colors of the landscape, BLM would have no reason to require any other colors.

CC See response to Comment K, Letter 101.

DD All NEPA documents must include an analysis of the potential for weed spread and establishment as an environmental consequence of actions. Measures and stipulations to minimize or avoid the spread of weeds must be provided. Executive Order 13112 states, in part, that no Federal agency shall

EE The draft seems to ignore the RCRA exemption provided by law. SPCC plans are the purview of OCD. Many production locations do not require a SPCC or NPDES.

FF Berming all batteries is not safe. Fire Departments tell us that berming only assures that the fire will be bigger and all the product will be lost. There is no evidence in the record that justifies berms at every location.

GG All the language about spill prevention plans and CERCLA substances should be deleted. There should be a discussion about RCRA and CERCLA exemptions for oil field locations.

HH After many years of negotiation, BLM and the industry established that the industry will make two good faith attempt to reseed a site. All words should be reseeded and the word revegetated deleted on page A-III-13. In New Mexico grass will grow if it rains and nothing else will speed up the process. The draft is full of plans for the industry to write. We are not in the planning business. These plans are for the file at BLM and have no other valid purpose. References to plans must be deleted. We do not bring in fill material so the fill will only be the material that is on site naturally.

We do not know what borrow pits and quarries are so there needs to be some clarification on page A-III-14. The only pits we deal with are caliche pits. The RMP should use oil field terms so everyone knows what the language means.

II As a whole, the Best Management Practices seem to come from some other area of the country. We do not use most of those practices in the NW or SE parts of the state. They are so onerous and without scientific justification that they must be deleted.

JJ The alternatives listed in the Tables in Chapter 2, in many cases are without objective, scientific support. Too many of the alternatives assume oil and gas activities will have an adverse affect on other resources. The alternatives also make it clear that oil and gas is the last priority and BLM is not adhering to the principle of multiple use.

KK There is no evidence that every oil and gas activity results is environmental impacts. The implicit idea here is that the impact is always adverse. This is not accurate. Just being there does not result in environmental impacts or adverse impacts. The tone of much of the language in this draft assumes an adverse impact on other resources and the environment. There is no science to justify the assumptions and decisions proposed in the draft. This proposed Amendment exceeds the requirements of NEPA and therefore should be withdrawn in its entirety. Oil and gas operations should be allowed to continue without further delay and without undue or unsupported conditions of approval. The southwest part of New Mexico is much like the southeast and there should be no oil and gas requirements used in the southwest that are in excess of those in the southeast.

Thank you for the opportunity to comment

Dan Girand
Regulatory Affairs Committee
IPANM
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authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk or harm will be taken in conjunction with the actions. In meeting BLM s management responsibilities under E.O. 13112, BLM is now requiring that all NEPA documents address the environmental effects of activities funded, authorized, or carried out by the BLM that would potentially result in the introduction of a non-native invasive plant or animal species (Instruction Memorandum No. 99-178).

DD (cont.) Invasive, non-native species of plants (especially weeds) are a critical element that BLM is required to consider thoroughly in all environmental assessments (EAs) and EISs. BLM s core mission is to maintain or improve the health of the land. One of the greatest negative impacts on the maintenance of healthy vegetative communities and to the restoration of less than healthy communities is the rapid spread of invasive, non-native weeds. These invasive weeds are very aggressive and have the ability to out-compete native plant communities. Severe, extensive and often permanent degradation frequently results.

While it is very important to control existing infestations, the most effective and economical weed management technique is to prevent weed spread. Weeds can easily be spread by a wide variety of activities BLM conducts or authorizes. Furthermore, weeds frequently thrive when land is disturbed. Therefore, there are great opportunities to reduce the spread of weeds by addressing potential weed spread and/or land disturbance in the NEPA process.

EE The subject of hazardous materials is addressed in Chapter 2, Section 2.2.17.

FF The statement in the Draft RMPA/EIS is Storage tanks will have a berm constructed around them 24 inches high and of sufficient dimensions to contain the contents of the largest tank to serve as secondary containment should a spill occur. These measures are designed to control spills and are considered to be standard requirements.

GG See response to Comment EE above.

HH See response to Comment S above.

II See response to Comment S above.

JJ For this document, BLM is addressing only fluid mineral (oil, gas, geothermal) leasing decisions and addressing mitigations necessary for protection of other resources where necessary.

KK See response to Comment A above.

BLM does not agree that the RMPA/EIS exceeds the requirements of NEPA.

June 15, 2001

Tom Phillips, RMPA/EIS Team Leader
BLM - Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005
RE: EIS Comments on Federal Fluid and Mineral Leasing and Development in Sierra and Otero Counties

Dear Sir,

I write to you as an individual, and as a native of New Mexico. Our rich natural heritage is what makes New Mexico the best place on earth to live, and is what earned it the name of "The Land of Enchantment". Our public lands, as you know, belong to all of us – and are the home to creatures that do not have a voice. I write on behalf of these creatures, and ask that you consider not only them, but future generations of New Mexicans in your decisions. The proposed oil and gas development on Otera Mesa is inconsistent with BLM's stated mission "to sustain the health, diversity and productivity of public lands for the use and enjoyment of present and future generations." In order to accomplish the stated mission, the health and biological diversity of Otera Must be considered first, and foremost. A

The oil and gas industry has already taken a toll on our ecosystems and wildlife, as the San Juan basin and Indian Basins exemplify. I urge you to protect Otera Mesa and the wildlife living there to the very best of your ability, and to consider the future of our ecosystems and natural heritage, in the face of short-term profit and even greed. We need to develop sane and sustainable alternatives to our energy needs such as solar and wind power generation. Our Wildlands are the lifeblood of New Mexico, and "once they're gone, they're gone forever". We can't replace intact and healthy areas such as Otera Mesa, nor is it possible to reverse the many (cumulative) deleterious impacts upon the sensitive desert ecology that oil and gas development has the potential to cause. Nor will the viewshed, wild characteristics, scientific values or sense of integrity be the same again if oil and gas leasing is at all permitted. Please ensure the health and integrity of this unique and fragile place, and consider the comments below in your decision making process.

I have adapted the comments submitted by the New Mexico Wilderness Alliance, as they have submitted the most comprehensive comments that consider the needs of the rich biological diversity and sensitive species that call Otera Mesa home. Please consider them independently, as there are some important changes and additions.

Area Description

The area of concern which needs to be protected is located southern Otero County, south of the Sacramento Mountains and east of McGregor Range - the Otero Mesa Habitat Area.. This portion of the RMPA/EIS Planning Area contains relatively few roads and some of the best remnant grasslands remaining in the entire state! These grasslands are home to many species that have the best opportunity for long-term viability in the greater Otero Mesa area. These include Aplomado Falcons, Ferruginous Hawks and Mountain Plovers. There is also a genetically distinct and unusually intact Pronghorn herd occupying the remnant grasslands of Otera Mesa. The area is also crucial for habitat **connectivity between** other expanses of public lands such as those in the Sacramento Mountains and the Guadalupe Mountains (Lincoln National Forest, Carlsbad Caverns and Guadalupe Mountains National Monument) and also the San Andres

A See response to Comment A, Letter 69.

Mountains on the White Sands Missile Range. Thus, Otera Mesa is not only an important "Habitat Area" unto itself for species such as the antelope, it also provides habitat connectivity essential for wider ranging animals such as Mule Deer, Bobcats, Coyotes, and even Mountain lions. As our human population grows, and the areas between wilderness/roadless areas become increasingly developed and fragmented, unspoiled areas like Otera Mesa will be vitally important to the health of all species, including ourselves.

Environmental Impacts

Oil and gas development, along with its associated road and well pad construction, powerlines and pipelines will fragment and devastate the area, as it has to the east in nearby Eddy County in the Indian Basin between Carlsbad and Artesia, NM. This particular area in Eddy County has become a virtual wasteland. Try to imagine the beautiful Otera Mesa in this sad state....

One of the most destructive activities associated with oil and gas development is the construction of roads. Roads fragment habitat and promote the spread of exotic plant species. Noxious weeds are already a serious problem across New Mexico. Roads also decrease air quality by increasing dust, alter hydrological regimes resulting in accelerated erosion and eventual changes in plant communities, increase vehicle collisions with wildlife and open otherwise remote areas to increased off road vehicle (ORV) use. Poaching and harassment of wildlife will also increase as roads encroach farther and farther into an area. Increased ORV use in areas where new roads have penetrated will be difficult to control. The direct crushing of vegetation will result in soil compaction that impedes seed germination, seedling growth, and damage to fragile cryptobiotic crusts found on the surface of many arid soils. The same type of damage, although maybe to a lesser degree, can also be associated with the construction of power lines and pipelines.

B Another aspect of oil and gas production in this general area is the possible presence of deadly hydrogen sulfide gas. It tends to settle in low lying areas posing a threat to humans as well as other animals, in particular ground nesting birds, reptiles and small mammals. The release of invisible and deadly gas needs to be controlled and minimized.

Conclusion

C Considering all of the above negative impacts to the local and regional ecology, the BLM should not open this area to leasing at all, using their authority to implement a discretionary closure.

In the unfortunate event the BLM does not exercise its discretion to close the entire Otero Mesa Habitat Area to leasing, I would like to comment on the existing alternatives. I have determined many of the stipulations in Alternative A (BLM's preferred alternative) do not adequately address the resource concerns in this area. While I appreciate the protective measures in Alternative A, I would support Alternative B. Alternative B better reflects the environmentally sensitive nature of the area and goes further to prevent habitat fragmentation and degradation. The modest protective measures,proposed in Alternative A, which allows for leasing and surface occupancy in 89 percent of the Planning Area, are being touted by oil and gas concerns as restrictive and unreasonable. "Reasonable restrictions" will adequately protect the environment and ecology of the area, regardless of the economic limitations it may pose for proposed development projects. Industry is supporting the No Action Alternative (continue with the existing management plan) that opens up most of the Planning Area to what are known as Standard Lease Terms and Conditions. This alternative offers the area virtually no environmental protection, and therefore should not be the chosen alternative.

B See response to Comment D, Letter 24.

C Federal lands are made available for fluid minerals leasing through the Minerals Leasing Act of 1920, as amended, and the Geothermal Steam Act of 1970. All public land is open to leasing unless a specific order has been issued to withdraw an area from leasing. Under FLPMA and its implementing regulations, BLM has the responsibility to develop, maintain, and, when appropriate, revise land plans that provide for management of public land based on the principles of multiple use and sustained yield.

Discretionary closure of these areas is deemed overly restrictive. BLM is required to impose the least restrictive constraints needed to provide adequate protection of the resources while allowing fluid minerals leasing and development. Adequate protection of these areas can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

The outpouring of public concern for Otera Mesa should signal to the BLM that this is an area people care about, and do not want to see marred by oil and gas development. Pressure from the current administration and oil companies do not represent the majority of public sentiment. The broad support coming from diverse constituencies across the nation for the protection and preservation of our remaining public land roadless areas is proof of this public sentiment. This is a crucial time for conservation in New Mexico, as there are still places like Otera Mesa and the Brokeoff Mountains that remain intact, and are worth protecting from the machinations of special interests. It is places like Otera Mesa that represent and contain our natural heritage; these will be the places (and values) we pass on to future generations. Think of the "Seventh Generation", and what they would want us to do. By then, the gas would have already been burnt up, and the damage already done. Please protect wilderness, New Mexico's Natural Heritage.

SPECIFIC COMMENT POINTS

D ❖ Any determination of the presence of an "existing road" using satellite imagery must be verified as such in the field. Any unimproved "two tracks" should not be considered as "roads".

E ❖ All reclamation requirements should be strictly monitored and enforced (RMPA/EIS pages A-III-13 and A-III-14). All disturbed land, including damage done during geophysical exploration, should be restored to pre-project condition. All roads no longer needed for continued well operations should be permanently closed.

F ❖ No Surface Occupancy (NSO) or road construction within .5 miles of Riparian areas, wetlands or playas. These areas are so rare and critical to the survival of many species in the desert environment, they should be given maximum protection.

G ❖ Discretionary Closure of the Otero Mesa and Nutt desert grassland habitat areas. These grasslands provide critical habitat for pronghorn and many other species. According to Brian Nygren, District Wildlife Supervisor for the NM Game and Fish Department, Pronghorn have definitely been displaced by oil and gas activity just east of the Planning Area, in Eddy County. In that area there has been a dramatic decline in the number of Pronghorn. Pronghorn have lost a great deal of their range in the past 150 years. Places such as Otera Mesa are crucial refugia for this species. Unlike Mule Deer, which are browsers and have actually benefited from the invasion of shrubs into grassland as the result of livestock grazing, Pronghorn need grasslands to survive and reproduce. (RMPA/EIS page 2-10) According to the Federal Land Policy and Management Act and Dept. of Interior policy (43 CFR Part 24.4), BLM is primarily a habitat manager. Alternative A's stipulation of NSO except within 492 feet of existing roads within the remnant grasslands does not adequately protect these critical areas. A 492 ft. impact zone beyond existing roads will increase the edge effect of roads by a large degree. Any area, regardless of proximity to a road, which has identified as being suitable habitat for pronghorn should be discretionarily closed.

H ❖ In the event the Jornada del Muerto Wilderness Study Area (WSA) or Brokeoff Mountains WSA are not designated as Wilderness, it is critical that these areas are discretionarily closed. Areas designated as WSAs have met strict roadless requirements and are some of the few remaining unspoiled areas in our state. They should remain roadless and wild.

I ❖ Discretionary Closure of all Nominated Areas of Critical Environmental Concern(ACEC). (RMPA/EIS page A-V-22) "It is BLM policy (manual 1613.21E) to manage Nominated ACECs to maintain their condition until they can be fully evaluated through the resource management planning process:" Discretionary closure of these areas is necessary to realize this goal.

J ❖ The RMPA/EIS has identified herds of big game that have specific management goals. Areas occupied by these herds as well as areas with active raptor nests and riparian/wetland habitats are under the stipulation that development of an area requires the "maximum use of existing road

D See response to Comment A, Letter 44.

E See response to Comment B, Letter 100.

F See response to Comment B, Letter 23.

G See response to Comment B, Letter 81 and Comment C, Letter 23.

H See response to Comment E, Letter 81.

I See response to Comment A, Letter 23.

J See response to Comment A, Letter 31.

J (cont.) and/or other utility corridors to minimize the potential for increased habitat fragmentation." This stipulation should go further and prohibit the construction of new roads and utility corridors in these areas.

K
- Discretionary Closure and no geophysical exploration allowed in watershed areas to prevent accelerated erosion and watershed values.

L
- None of the three alternatives presented in the RMPA/EIS contains any stipulations for the protection of crucial habitats: grasslands, montane, and scrub. Such protective stipulations should be a part of the final EIS. This encompasses an area of approximately 729,457 acres. At the very least this area should be designated as controlled surface use.

M
- Discretionary Closure of occupied or essential habitat for Special Status Species. These include all Federally listed threatened and endangered species, species proposed for Federal listing, Federal candidates, BLM sensitive species and State-listed species.

N
- Discretionary Closure for the Percha Creek Riparian Habitat Area. Besides providing critical habitat for many desert species this area is also suitable habitat for the Federally endangered Southwest Willow Flycatcher.

O
- Discretionary Closure for Visual Resource Management (VRM) class II areas. Oil and gas development is inconsistent with the requirement that "changes in any of the basic elements caused by a management activity should not be evident in the characteristic landscape. Contrasts are seen but must not attract attention."

P
- Controlled Surface Use for VRM class III areas. Oil and gas development are inconsistent with the requirement that "contrast to the basic elements, caused by a management activity is evident, but should remain subordinate to the existing landscape."

Q
- Discretionary Closure of ORV limited areas. Also, geophysical exploration should not be allowed in these areas. If ORV use is being restricted in an area to protect resources then a drilling rig or vehicles used in seismic exploration should not be allowed in the area.

R
- Discretionary Closure of the Cuchillo Mountains Pinon Nut Collection area. This area is very important to some families.

Thank you for this opportunity to submit these comments for the official public record.

Sincerely,

Matthew Clark

Matthew Clark
New Mexico Link Coordinator

"A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise."

--Aldo Leopold

K See response to Comment H, Letter 100.

L See response to Comment I, Letter 100.

M See response to Comment A, Letter 23.

N See response to Comment K, Letter 100.

O See response to Comment L, Letter 100.

P See response to Comment M, Letter 100.

Q See response to Comment N, Letter 100.

R See response to Comment C, Letter 25.

THE WILDERNESS SOCIETY
Four Corners States Regional Office

June 22, 2001

Tom Phillips, RMPA/EIS Team Leader
BLM - Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

RE: Draft Resource Management Plan Amendment and EIS for Federal Fluid Mineral Leasing Development in Sierra and Otero Counties

Dear Mr. Phillips:

The comments are submitted on behalf of The Wilderness Society's more than 150,000 members nationwide, including some 1,500 members in New Mexico. Given the current debate over the role energy development on our public lands should play in our national energy policy, we believe the decisions that BLM makes with respect to Otero Mesa and the other lands in Sierra and Otero Counties are critical. The BLM manages very special natural lands and resources that are more valuable to the nation over the long-term than the short-term benefits gained by exploiting energy resources in these areas. Portions of public lands in Sierra and Otero Counties contain just such resources.

The Draft Plan Amendment and EIS reflect BLM's struggle to address its conflicting mandates to develop energy resources and to protect the natural and cultural values of our public lands. We believe strongly that Alternative B does a better job of balancing these mandates, and urge the BLM to select that alternative, with some improvements.

Please note: We incorporate by reference the full comments submitted on the Draft Resource Management Plan Amendment and EIS for Federal Fluid Mineral Leasing Development in Sierra and Otero Counties by the New Mexico Wilderness Alliance on April 1, 2001.

Otero Mesa Habitat Area Deserves Special Protection and Should Not Be Leased

Otero Mesa Habitat Area, in southern Otero County, south of the Sacramento Mountains and east of McGregor Range, is an especially important portion of the DRMPA/EIS, and deserves special attention for the following reasons:

- The OMHA contains relatively few roads.

7475 Dakin Street, Suite 410, Denver, CO 80221 303-650-5818 fax: 303-650-5942 www.wilderness.org

- The OMHA contains some of the best remnant grasslands in the entire state that provide habitat to many species, including viable Prairie Dog colonies, Aplomado Falcons, Ferruginous Hawks and Mountain Plovers.
- OMHA supports a very important and unusually intact Pronghorn herd.
- OMHA and surrounding lands serve to connect other expanses of public lands such as those in the Sacramento Mountains and the Guadalupe Mountains (Lincoln National Forest, Carlsbad Caverns and Guadalupe Mountains National Park).

A BLM should not authorize any leasing or development within the Otero Mesa Habitat Area. The entire area should be closed to leasing using a "discretionary closure" until the values here can be more permanently protected.

In the event the BLM does not exercise its discretion to close the entire Otero Mesa Habitat Area to leasing, we would like to comment on the existing alternatives.

B
- The stipulations in Alternative A (BLM's preferred alternative) do not adequately address the resource concerns in this area. Although the oil and gas industry and some in Congress have criticized ever the modest protective measures proposed in Alternative A, which allows for leasing and surface occupancy in 89 percent of the Planning Area, the discretionary closures, no surface occupancy stipulations, and other stipulations are not sufficient to protect the outstanding wildlife and wildland values of this area.
- Alternative B better reflects the environmentally sensitive nature of the area and goes further to prevent habitat fragmentation and degradation, but should be further improved as described below.

Alternative B Should Be Improved

As BLM notes in the DRMPA/EIS, Alternative B responds "to legislative or regulatory requirements and/or management objectives, but provides relatively greater emphasis on resource protection by imposing more constraints on fluid minerals leasing and development." (DRMPA/EIS, S-2) These constraints are necessary to protect important natural and cultural resources in the two counties, including the following:

From Table S-1, Summary of Leasing Constraints in Decision Area by Alternative*

Discretionary Closure)	No Surface Occupancy	Controlled Surface Use and Timing Limitations (stipulations)
• Watershed areas (5) • Special status species habitats • Percha Creek Riparian Habitat Area • Lake Valley Town Site	• Riparian/Wetlands/Playas • Nutt and Otero Mesa desert grassland areas • Black-tailed prairie dog habitat • Lone Butte	Bighorn Sheep Habitat

* This table gives examples of protective measures contained in Alternative B, but is not comprehensive.

A See response to Comment C, Letter 143.

B See response to Comment A, Letter 69.

• ACECs (6) • Nominated ACECS (8)		
Already NSO under No Action Alternative: • Rattlesnake Hill Archeological District • Tularosa River	Already NSO under No Action Alternative: • Recreation and Public Purpose patents and leases • Ecological Study Plots	

C Only 16% of the planning area is closed to leasing under Alternative B, including 46,047 acres of non-discretionary closures. More than 60% (1,095,622 acres) is open with stipulations and more than 30% (632,228 acres) is open with only standard lease stipulations. (DRMPA, Table s-2, page S-11. (**Note:** the fact that the sum of these percentages exceed 100% is not explained in the document.)

D Alternative B should be amended to include the following:

- E As discussed above, discretionary closure of the Otero Mesa Habitat Area.
- E Discretionary closure of Nutt desert grassland habitat area.
- F Discretionary Closure of all Nominated Areas of Critical Environmental Concern (ACEC). (RMPA/EIS page A-V-22) "It is BLM policy (manual 1613.21E) to manage Nominated ACECs to maintain their condition until they can be fully evaluated through the resource management planning process
- G No Surface Occupancy (NSO) or road construction within .5 miles of Riparian/Wetlands/Playas. This would provide an additional buffer around these areas that are so rare and critical to the survival of many species in the desert environment.
- H Require that all reclamation requirements be strictly monitored and enforced (RMPA/EIS pages A-III-13 and A-III-14). All disturbed land, including damage done during geophysical exploration, should be restored to pre-project condition. All roads that are no longer needed for continued well operations should be permanently closed.
- I Require that determination of the presence of an "existing road" using satellite imagery be verified in the field.
- J No new road construction in areas occupied by big game, active raptor nests and riparian/wetland habitats. Alternative B contains a stipulation limiting development of such occupied areas to "maximum use of existing road and/or other utility corridors to minimize the potential for increased habitat fragmentation." This stipulation should go further and prohibit the construction of new roads in these areas.
- K Discretionary closure and no geophysical exploration in watershed areas to prevent accelerated erosion and watershed values.
- L Discretionary Closure of occupied or essential habitat for Special Status Species. These include all Federally listed threatened and endangered species, species proposed for Federal listing, Federal candidates, BLM sensitive species and State-listed species.

3

C Table S-2 was not included in this PRMPA/FEIS.

D See response to Comment C, Letter 143.

E See response to Comment C, Letter 143.

F See response to Comment A, Letter 23.

G See response to Comment B, Letter 23.

H See response to Comment A, Letter 31.

I See response to Comment A, letter 44.

J As stated in Appendix B — Surface Use and Best Management Practices, BLM encourages the use of existing roads to the maximum extent practical and minimize new roads in unroaded areas. Where new roads are needed, construction, maintenance, rehabilitation, abandonment, and closure of the roads of public land will be in accordance with the BLM New Mexico State Office Road Policy, Standards and Procedures (Instruction Memorandum No. NM-95-031).

K See response to Comment H, Letter 100.

L See response to Comment A, Letter 23.

M
- Discretionary Closure for the Percha Creek Riparian Habitat Area. Besides providing critical habitat for many desert species this area is also suitable habitat for the federally endangered Southwest Willow Flycatcher.

N
- Discretionary Closure of the Cuchillo Mountains Pinon Nut Collection area. This area is very important to some families.

Oil and Gas Development in Sensitive Areas is Inconsistent with BLM Mission

O BLM's stated mission is "to sustain the health, diversity and productivity of public lands for the use and enjoyment of present and future generations." Yet oil and gas development as it has been practiced in southern New Mexico, including neighboring Eddy County, is inconsistent with this mission. For example, oil and gas development can lead to the presence of deadly hydrogen sulfide gas. It tends to settle in low lying areas posing a threat to humans as well as other animals, in particular ground nesting birds, reptiles and small mammals.

One of the most destructive activities associated with oil and gas development is the construction of roads. Roads fragment habitat and promote the spread of exotic plant species. Noxious weeds are already a serious problem in NM. Roads also decrease air quality by increasing dust, alter hydrological regimes resulting in accelerated erosion and eventual changes in plant communities, increase vehicle collisions with wildlife and open otherwise remote areas to increased off road vehicle (ORV) use. Poaching and harassment of wildlife will also increase as roads encroach farther and farther into an area. Increased ORV use in areas where new roads have penetrated besides directly crushing vegetation will result in soil compaction that impedes seed germination, seedling growth, and damage to fragile cryptobiotic crusts found on the surface of many arid soils.

Conclusion

BLM should protect the special values of the public lands in Otero and Sierra Counties by selecting as its preferred alternative an improved version of Alternative B. This approach better balances the need to protect wildlife habitat, wildlands, and cultural resources with the desire to extract limited, non-renewable energy resources.

We appreciate the opportunity to comment. We hope the BLM moves to further improve its proposal for the management public lands in Otero and Sierra Counties in a way that protects the interests of all Americans—current residents and future generations—that will rely to the many unique natural benefits these lands provide.

Sincerely,

Pamela Pride Eaton
Regional Director

M See response to Comment K, Letter 100.

N See response to Comment C, Letter 25.

O See response to Comment A, Letter 69. Also, see response to Comment D, Letter 24.

Letter 145

June 22, 2001

Tom Phillips, RMPA/EIS Team Leader
BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

Making immediate plans to drill for oil and gas in the Chihuahuan Desert is premature. A comprehensive energy plan is just now being written in Washington, D.C., so of course we do not know what the priorities will be. We do not know if the rise in gasoline prices is due to a shortage of refineries (of which approximately one-fourth have been closed strictly for business reasons over the last twenty years). We do not know whether the increase in electricity prices over the west has been due to a pricing problem since supply and demand have remained approximately unchanged over the last two years. We do not know whether or not oil and gas will even be a major part of the comprehensive energy plan. If oil and gas do become an integral part of a comprehensive plan, then drilling sites must be prioritized such that the sites which are the most ecologically sensitive and important have a low priority (i.e., the Arctic National Wildlife Refuge would be last on this list). No one knows where the Chihuahuan Desert would be placed on this priority list. Many elected officials and petroleum company ads claim drilling can be done in ANWR in an ecologically sensitive manner and leave a very small footprint. Rather than dwelling on environmentally sensitive drilling technology in ANWR, at this point in time we find it appropriate to study the problem to see how the Chihuahuan Desert could be drilled with the absolute minimum of environmental damage if it is ever decided that this extremely sensitive environmental region absolutely must be drilled. Any other action, especially with what we understand is currently being considered, is irresponsible and extremely premature.

Sincerely,
Walter Matuska
Laurina Matuska

Walter and Laurina Matuska
530 Rover Blvd.
Los Alamos, New Mexico 87544
1-505-672-9212

Letter 146

THIS IS TREE FREE PAPER MADE OF 100% KENAF

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June 22, 2001

Tom Phillips, RMPA/EIS Team Leader
BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Tom:

The United States of America is badly in need of alternative energy . We do not need more Oil and Gas development on public lands in southern New Mexico. Please halt any notion of same in this area. This is a biologically unique region of the Chihuahuan Desert and must be protected rather than be sacrificed to unneeded oil and gas development.

Sincerely,

Jess Alford

9311 N. 58th Street
Paradise Valley, AZ 85253
June 21, 2001

Tom Phillips, RMPA/EIS Team Leader
BLM
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips,

We strongly urge you to reject the proposal for oil and gas development on public land in southern New Mexico. These actions would threaten habitat for pronghorn antelope and the endangered Northern aplomado flacon. It would destroy the pristine land and turn it in to wastelands. We care about what happens to this unusual desert and strongly urge you to protect this area, not open it up to destruction.

Sincerely,

Judith G. Sugg & A. Narayan

Southwest Environmental Center

A VOICE FOR THE ENVIRONMENT IN SOUTHERN NEW MEXICO

June 22, 2001

Tom Phillips
RMPA/EIS Team Leader
Bureau of Land Management
1800 Marquess
Las Cruces, NM 88005

Dear Mr. Phillips:

Thank you for the opportunity to comment on the Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties.

Based on our understanding of the conservation value of the grasslands and wildlife of the Otero Mesa, we do not believe any oil and gas development should be allowed in this area. Such development would have significant impacts on wildlife through noise, construction, vehicle collisions, illegal shooting, toxic chemical spills and releases, open pits, heater treater vent stacks, powerlines, fences, etc. We are particularly concerned about the habitat fragmentation that would inevitably occur under any scenario.

If, as is likely, the area is made available to oil and gas leasing, we strongly urge you to adopt Alternative B which is more protective of the unique ecological values of this area.

A We also urge that any oil and gas exploration and leasing on grasslands in the two counties be delayed until after completion and application of the Aplomado falcon habitat model currently under development by the New Mexico U.S. Fish and Wildlife Cooperative Research Unit. Application of this model will provide a better idea of the specific potential habitat areas for aplomado falcons, which in turn will allow for BLM to take appropriate protective measures for the species.

Finally, we urge you to coordinate conservation efforts for grassland dependent species, such as aplomados and prairie dogs, with those on the MacGregor Range.

Thank you.

Sincerely,

Kevin Bixby
Executive Director

1494A SOUTH SOLANO DRIVE • LAS CRUCES, NM 88001 • 505/522-5552 VOICE • 505/522-0775 FAX

A The aplomado falcon habitat model has been completed and was used to develop the Proposed Plan. Adequate protection of the grassland habitat can be afforded by imposing the requirements of the Proposed Plan (Alternative A modified) in this PRMPA/FEIS. If site-specific conditions require more restrictive protection, such protective measures can be imposed through conditions of approval attached to an APD.

bp

Terry Adamson
Regulatory Affairs Team Leader
Mid Continent Business Unit
Direct: 281-366-4262
Main: 281-366-2000
Fax: 281-366-3910
adamsotj@bp.com

BP America Inc.
501 Westlake Park Boulevard
Houston, TX 77079

Post Office Box 3092
Houston, TX 77253-3092
USA

June 20, 2001

Mr. Tom Phillips
RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, New Mexico 88005

Reference Comments to DRMPA & EIS
For Federal Fluid Mineral Leasing
& Development
Sierra & Otero Counties, New
Mexico

Dear Mr. Phillips:

BP is a global energy company active in more than 100 nations worldwide. Our operations in the lower 48 states and the Gulf of Mexico are part of BP America Inc. The operations of BP America include eight business units that collectively produced about 242 million net equivalent barrels of oil during year 2000 or about 20 percent of BP's total global production. BP already ranks as North America's leading producer of natural gas. BP is determined to be an environmental leader, demonstrating social responsibility and sound stewardship in all that we do. We appreciate the BLM's decision to extend the comment deadline on the DRMPA & EIS. Listed below are our specific comments.

Specific Comments:

Page 1-8; Section 1.3.9 Monitoring and Evaluation: It is imperative that BLM monitor stipulations and conditions of approval to ensure necessity and reasonableness. Refer to BLM's White River Resource Area (Meeker, Colorado Field Office) plan for such a monitoring program.

A Page 2-21: Reference to Table 2-7: "The areas of some of these resource concerns overlap. In those cases, the more restrictive stipulation is dominant and will serve as the management direction." This statement is not consistent with BLM policy in which the least restrictive resource management practice must be used, not the most restrictive.

B Page 2-30: BLM states, ".....Alternative A allows for implementing the least restrictive constraints that would provide adequate resource protection while allowing fluid minerals leasing and development to occur." This statement contradicts the above referenced sentence on page 2-21.

A See response to Comment K, Letter 123.

B See response to Comment L, Letter 123.

Otero & Sierra Counties DRMPA/EIS
6/20/2001
Page 2 of 2

C Page 3-6; 3.4.3 Future Land Use: Oil and gas development appears to be consistent with the primary objective of The Otero County Comprehensive Plan, "to protect and enhance the scenic beauty and diversity of the land while accommodating growth" and of the Sierra County Council of Governments to "promote sufficient economic opportunity within the County for residents to find suitable and adequately compensated employment".

D Page 3-11; Oil & Gas Resources: "No area has been ranked as having "no potential"or "high" potential for oil and gas....." BP recommends that BLM analyze more recent information derived from the Bennett Ranch well and seismic data and take into consideration comments provided at the hearings and update this section.

E Page 4-52; 4.2.14 Visual Resources, Construction Phase: BLM should clarify what it means that "wildcat wells require larger drilling rigs..." The depth of the proposed well determines the size of the drilling rig.

We appreciate your consideration of our comments. Please contact me at (281) 366-4262 if you have any questions regarding our comments.

Sincerely,

Terry Adamson

Terry Adamson
HSE Regulatory Affairs Manager

C BLM agrees.

D See response to Comment M, Letter 123.

E See response to Comment X, Letter 123.

State of New Mexico County of Sierra

Board of Sierra County Commissioners
100 North Date Street, Suite 5 • Truth or Consequences, New Mexico 87901
Phone (505) 894-6215 Fax (505) 894-9548

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

June 22, 2001

Dear ~~Mr. Phillips~~ Tom,

Enclosed you will find a copy of the FINDINGS OF FACTS AND CONCLUSIONS OF LAW in relation to the BLM's *Initial Environmental Assessment Report of the Draft Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties.*

A Please be informed that this document will be included in the Sierra County's administrative record on this project. The Sierra County Commission requests that the BLM also include this document into the BLM administrative record.

Sincerely,

Adam Polley
Sierra County Manager

A The document enclosed with the letter from the Board of Sierra County Commissioners has been included in BLM s Administrative Record for this project as requested.

Oil & Gas Accountability Project

8631½ Main Avenue • Post Office Box 1102 • Durango, Colorado 81302

June 22, 2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces, NM 88005

RE: Draft RPMPA/EIS for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties.

Dear Mr. Phillips,

The Oil and Gas Accountability Project ("OGAP") now submits the following comments on the Draft RPMPA/EIS for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties.

A First, eliminating the "no new leasing alternative" from consideration renders a de facto decision to lease, a decision that lacks NEPA compliance. DEIS at 2-20. The question of whether "measures can be taken to mitigate conflicts and environmental consequences to an acceptable level" must be disclosed and discussed in the current NEPA Process. DEIS at 2-21. It is unreasonable, arbitrary, and capricious to simply state that mitigation has been successful while providing no supporting monitoring data and no discussion of the supposedly successful mitigation measures. It is exactly the uninformed position in the DEIS against a "no new leasing alternative" that the NEPA-mandated comparison of alternatives is designed to eliminate.

B Second, the Reasonable Foreseeable Development ("RFD") scenario does not provide adequate descriptions of the geology and current operations. The RFD is not based on current production data. The RFD simply does not provide sufficient support for the assumptions used. There is no estimation of technically recoverable resource and no discussion of the economics of the various plays in the area. Without a full examination of the reasonably foreseeable quantities and economics of the various plays, this NEPA Process provides no reasonable basis for a decision to lease federal resources to private developers. Without a description of well densities and other technical requirements the development scenarios, BLM decisionmakers and the public are left without any way to determine whether the impacts expected in the RFD are within or without the duty of the BLM to prevent undue and unnecessary degradation of the public lands.

C Third, the special character of these public lands are reason enough to implement the maximum protection alternative, the "no new leasing alternative" and to impose new stipulations and management constraints on existing leases. The current NEPA Process does not adequately

www.OGAP.org

Federal lands are made available for fluid minerals leasing through the Minerals Leasing Act of 1920, as amended, and the Geothermal Steam Act of 1979. All public land is open to leasing unless a specific order has been issued to withdraw an area from leasing. As now stated in Chapter 2, Section 2.3.1, of this PRMPA/FEIS, closing the Planning Area to new leasing of Federal minerals was considered as a possible method of resolving conflicts with other resource uses. The alternative was eliminated from further analysis because resource conflicts tend to be located in specific areas that are dispersed over a larger area or region. Closing the entire Planning Area to new mineral leasing would eliminate mineral development and production in areas where conflict does not exist, thereby placing unreasonable restrictions on such activities.

A Also, based on the reasonable foreseeable development (RFD) scenario, BLM does not anticipate a large amount of new development that would lead to unacceptable levels of adverse effects in all areas. The analysis of impacts indicates that effects would not be anticipated on every acre and that not all acres where development would occur would be so sensitive as to preclude all new development. Therefore, closure to new leasing of Federal fluid minerals in the entire Planning Area is unreasonable.

Because development most likely would be limited in scope and effect, it was concluded that it would not be reasonable to analyze this alternative in detail. Rather, consideration of no leasing was analyzed in association with specific resource concerns as part of the alternatives analyzed. The alternatives analyzed in detail include various considerations for maximizing individual resource values and uses in specific areas where conflicts exist. Where it was determined that even the most restrictive stipulation available (i.e., no surface occupancy) would not adequately mitigate conflicts or environmental consequences, so that leasing is not in the public s interest, then a decision was considered to close these areas to mineral leasing and subsequent development.

B The description of the geology that served as a basis for developing the RFD is in Chapter 3, Section 3.5, Geology and Minerals. Other information used as a basis for the RFD is described in Appendix A, Reasonable Foreseeable Development. The RFD was developed in accordance with procedures outlined in the BLM Supplemental Program Guidance for planning for fluid mineral resources (BLM Manual Section [MS] 1624.2) as briefly described in Appendix A.

C (cont.) examine those actions the BLM could take to ensure that these public lands are not subject to undue an unnecessary degradation.

D OGAP requests the BLM to take steps required to meet its legal duties under NEPA and FLPMA that would allow it to implement an improved version of Alternative B that includes a "no new leasing" provision.

If you have any questions, please call me or Gwen Lachelt at 970 259 3353.

Sincerely,

Travis Stills
Staff Attorney/Research Director

B (cont.) There currently are no operations in either Sierra or Otero Counties.

The RFD, as described in the PRMPA/FEIS (Chapter 4 and Appendix A), represents the reasonably foreseeable extent of development based on the best available data.

C See response to Comment A above. Adequate protection can be afforded by the Proposed Plan (Alternative A Modified) in this PRMPA/FEIS.

D The PRMPA/FEIS satisfies the legal requirements of NEPA and FLPMA. Regarding a no new leasing provision, see response to Comment A above.

June 19, 2001

Tom Phillips, RMPA/EIS Team Leader
Bureau of Land Management
Las Cruces Field Office
1800 Marquess
Las Cruces NM 88005

Hello Mr. Phillips,

I am writing to you as the Executive Director of Great Old Broads for Wilderness regarding the Resource Management Plan Amendment and Environmental Impact Statement for Federal Fluid Minerals Leasing and Development in Sierra and Otero Counties. In particular I want to comment on the area most at risk, southern Otero County.

Great Old Broads for Wilderness (Broads) is going to have our annual Broadwalk (which also serves as our annual membership meeting) in southern New Mexico. In fact, I just returned from a 3 day reconnaissance trip there where I met Greta Balderamma and Michael Scialdone. Interestingly enough we also met Charlie Lee down near his ranch house and had a good conversation with him. He will be talking with the Broads when we are there in early October.

Our organization is national in representation. We are dedicated to the protection of public lands. We represent a unique voice in the dialogue on the environmental scene because our members are mostly older women. We like to say "Broadness is a state of mind." This has attracted young women as well as men to our membership ranks.

The protective measures in BLM's preferred alternative Plan A are week in addressing the resource concerns of this sensitive and fragile area. Plan B goes further to prevent habitat fragmentation and degradation.

A Broads have a record of being particularly concerned about road-building, the most destructive "side effect" of extractive mineral activity. With that in mind, we urge that the determination of all existing roads be verified in the field, rather than being dependent on satellite images. New roads and heavy traffic on existing roads that are near riparian, wetland, and playa areas must be carefully monitored. These areas are so rare and critical to the survival of many species in the desert environment. They must be given maximum protection.

Great Old Broads cares about what happens in this public land area and ask that you towards maximum protection.

Sincerely,

MB McAfee

M. B. McAfee, Ph.D., Executive Director
PO Box 2924
Durango CO 81302
970-385-9577

A As stated in Appendix B - Surface Use and Best Management Practices, BLM encourages the use of existing roads to the maximum extent practical and minimize new roads in unroaded areas. Where new roads are needed, construction, maintenance, rehabilitation, abandonment, and closure of the roads on public land will be in accordance with the BLM New Mexico State Office Road Policy, Standards and Procedures (Instruction Memorandum No. NM-95-031). Regarding the use of satellite imagery, satellite imagery is the best, accurate data available to use in a large-scale effort such as this. BLM used SPOT 10-meter Panchromatic imagery for this analysis. Roads, as well as other facilities, are reviewed on the ground in response to an APD to determine the potential impacts and appropriate mitigation.

Dear Mr. Phillips,

I am writing in order to submit an official comment regarding the RMPA/EIS process addressing Federal fluid minerals leasing in Otero and Sierra Counties that your office has recently initiated. [While I applaud the protective measures in Alternative A, we should seek stronger protections for these areas while the time is upon us.]

A [I would like to submit for public record that the Otero Mesa Habitat Area should be discretionarily closed to leasing. If however you do decide to open the area up to leasing then I support Alternative B.]

B Regardless of the Alternative chosen, all nominated ACEC's should be discretionarily closed to leasing. This action will adequately address the mandate which BLM is under regarding the appropriate management of nominated ACEC's.

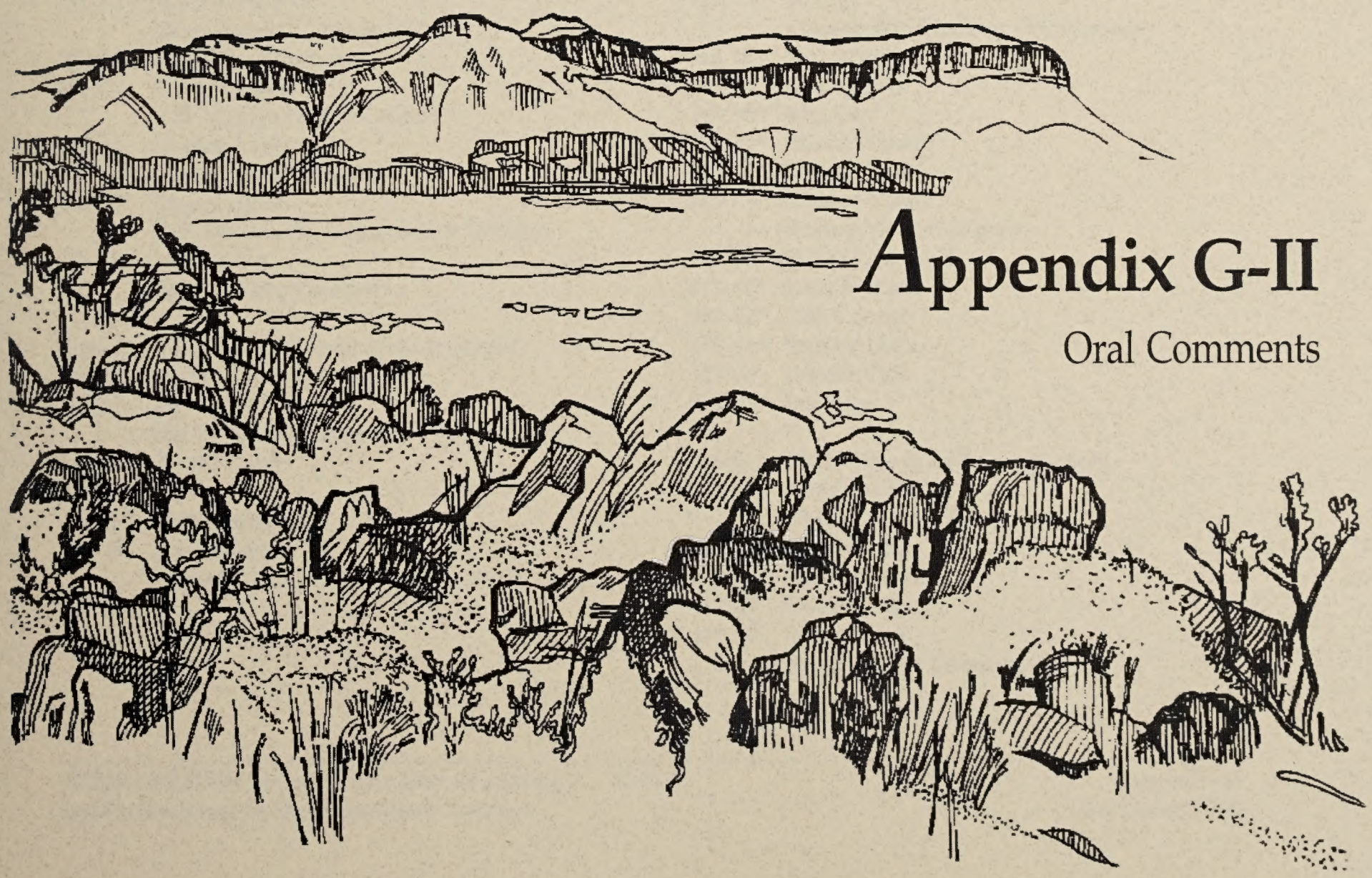
In order to reflect the BLM's commitment to preserve our public lands not simply for the benefit of industry, but for the benefit of all, I urge you to enact these added measures. They will provide better protection for these areas which serve as critical habitat areas for Prairie Dogs, Aplomado Falcons, Ferruginous Hawks, Mountain Plover, and Pronghorn. Thank you for your consideration on this matter.

Sincerely,

From:
Mr. L. D. Kurtz
913 Adams St.
Albuq, N.M.
87123

A [See response to Comment A, Letter 23.

B [See response to Comment B, Letter 81.



Appendix G-II

Oral Comments

TABLE G-2
ORAL COMMENTS RECEIVED
(*Asterisks indicate comments that do not require a response.)

Speaker No.	Name and Affiliation
January 9, 2001 – Roswell	
HS 1	Steve Yates Harvey Yates Company
HS 2	Tim Gum Oil Conservation Division, New Mexico Energy, Minerals and Natural Resources Department
HS 3	Vernon Dyer Harvey Yates Company
HS 4	Mark Murphy Strata Production Company
HS 5	Mike Boling, Geologist
HS 6	Gordon Yaney
HS 7	Ron Broadhead New Mexico Bureau of Mines and Mineral Resources
HS 8	Bryan Arrant New Mexico Oil Conservation Division
HS 9	Eileen Dey Burlington Resources
January 10, 2001 – Alamogordo	
HS 10	Michael Nivison Otero County Commission
HS 11	Bebo Lee, Rancher
HS 12	Bill Hornback New Mexico Justice Council
HS 13	Gordon Yaney Harvey Yates Company
HS 14*	Bryan Arrant New Mexico Oil Conservation Division
HS 15	Steve Yates Harvey Yates Company
January 11, 2001 – Truth or Consequences	
HS 16	Harvey Chatfield, Rancher
HS 17	Steve Yates Harvey Yates Company
HS 18	Gerald Keith
April 3, 2001 – Roswell	
HS 19	Bob Gallagher New Mexico Oil and Gas Association
HS 20	Vernon Dyer, Harvey Yates Company
HS 21	Steve Yates Harvey Yates Company
HS 22	Phelps Anderson, Sun Valley Energy Company
HS 23	Clare Mosley Public Lands Advocacy
HS 24	Mike Boling, Geologist
April 4, 2001 – Alamogordo	
HS 25	Michael Nivison Otero County Commission
HS 26	Don Carroll City of Alamogordo
HS 27*	Stanley Latta
HS 28*	Lewis Reeves HMR Corporation
HS 29*	Samuel Dainwood
HS 30*	Michael Murphy
HS 31*	Marlene Clarke
HS 32	Steve Yates Harvey Yates Company
HS 33	Ed Carr Alamogordo Chamber of Commerce
HS 34*	Maryanne Schweers
HS 35	Ed Bradson
HS 36*	Kim Carr
HS 37*	Frances Goss
HS 38*	Melan Pattillo
HS 39	Gordon Yaney Harvey Yates Company
HS 40	Donald Anderson
HS 41*	Jerry Johnson
HS 42*	Don Cooper
HS 43*	Stanley Latta
HS 44	Ronnie Call
HS 45*	Jan Jeter
April 5, 2001 – Truth or Consequences	
HS 46	Adam Polley Sierra County Commission
HS 47*	Gerald Keith
HS 48*	Richard Hanson
HS 49	Gordon Yaney
HS 50	Steve Yates Harvey Yates Company

21 At this point, I would like to bring this public
22 hearing to order. As I call upon those that
23 registered to give an oral presentation, please begin
24 your oral statement by stating your name, address,
25 and the organization that you represent, if any, for

1 the record.
2 Our first speaker will be Mr. Steve Yates, for
3 ten minutes.
HS 1 4 MR. YATES: Steven, as you said, I'm
5 Steve Yates, with Harvey Yates Company, here in
6 Roswell. I'm preaching to the choir. I'm quite
7 disappointed with the attendance here; all I see is
8 BLM staff. A couple of companies that have leases in
9 Otero County and our partners aren't over here, so...
10 Be that as it may, after careful review of the
11 plan, and reading it in its entirety, my
12 understanding and knowledge of the bureaucracy of
13 BLM, and as vice president of the company that
14 discovered a high-potential gas discovery in Otero
15 County that led to the leasing, which lead to this
16 resource management plan amendment, I would suggest
17 that, number one, the plan would result in the
18 adoption of any of the alternatives, would result in
19 a prohibition against exploration.
20 And this company, for one, will leave the area,
21 and we won't go anymore. It essentially closes the
22 basin to fluid mineral development. It's purported
23 to be a plan for fluid mineral development, and my
24 analysis of it, as I read it, is that it protects all
25 other resources against fluid mineral development.

JANUARY 9, 2001

Again, Thomas, you said the alternatives proposed are a no-action, but time and time again -- and you even said it up here at the lectern -- that no-action we would foll- -- we would be forced, the BLM would be forced to follow, on a case-by-case basis, the same -- and implement the same constraints as Alternative A.

It's simply that we would have to look at each lease as it came up, apply those same standards on a case-by-case basis, whether it be no surface occupancy or controlled surface use or timing, apply those standards and then lease it.

HS 1-A

The adoption of Alternative A short-circuits that, perhaps, case-by-case basis, and then goes and says that, well, we've already identified those leases that would have no surface occupancy, controlled surface use or timing limitation. And Alternative B is just a more robust Alternative A.

Therefore, I contend that this planned is wholly inadequate, and that there are no alternatives, there is just one plan, and the adoption of any of them results in the same constraints that are over and above standard lease terms and conditions.

Those additional constraints placed on fluid mineral development -- particularly exploration for

HS 1 – Steve Yates

HS 1-A

For its time, the 1986 RMP adequately addressed environmental protection given the minimal level of oil and gas development in the Planning Area. However, as stated in Chapter 1, Section 1.1, for current decisions, the 1986 RMP was found to lack enough information to make leasing decisions commensurate with the increased leasing nominations and potential subsequent exploration and development. BLM is conducting this RMPA/EIS to be consistent with current laws, regulations, and supplemental guidance for fluid minerals leasing.

Based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM re-evaluated the use of the NSO stipulation of Alternative A and has developed a stipulation for CSU that would allow for implementing the lease restrictive constraints that would provide adequate resource protection while allowing fluid minerals leasing and development to occur.

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1 oil and gas -- are so onerous, that's the end of it,
2 we're not going to explore out there anymore.
3 It's my contention that an insufficient amount
4 of analysis as to the potential of oil and gas has
5 been conducted out here, that an insufficient
6 economic analysis and the effects of this plan, and
7 the effects of oil and gas exploration, or the lack
8 thereof, an insufficient analysis has been conducted,
9 that -- I've read a -- and I -- maybe I don't
10 understand what a Minimum Discovery Potential
11 Analysis is, but I know that we encourage -- the
12 industry encouraged a Maximum Discovery Economic
13 Analysis, and it doesn't appear that that was
14 conducted; notwithstanding, perhaps, an error in the
15 tables that references millions of dollars, and
16 millions of dollars, which would be trillions of
17 dollars. And, in that case, I apologize, then it is
18 a -- a very robust economic analysis.
19 I'm going to say the notion that we can
20 successfully explore -- being in the oil and gas
21 business -- successfully explore this potential by
22 horizontal drilling from the roads is silly. Can't
23 do it.
24 My recommendation is that this plan be modified,
25 that the no-action alternative be modified, in

HS 1-B

HS 1-C

HS 1-D

HS 1-E

HS 1-B The sections relating to Social and Economic Conditions in Chapters 3 and 4 in the Draft RMPA/EIS adequately address the issues for this programmatic document.

HS 1-C The figures to which the speaker is referring are in Table 4-6 in the Draft RMPA/EIS (now Table 4-7 in this PRMPA/FEIS). The table has been changed to reflect the speaker's comment.

HS 1-D Based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM re-evaluated the use of the NSO stipulation of Alternative A and has developed a stipulation to control surface use by limiting industry's disturbance to no more than 5 percent of the leasehold at any one time and requiring the new lessees to form exploratory units prior to commencing drilling activity. This would allow for implementing the lease restrictive constraints that would provide adequate resource protection while allowing fluid minerals leasing and development to occur.

HS 1-E See response HS 1-D above.

JANUARY 9, 2001

HS 1-E (cont.)

language that references a continued process of applying additional constraints, be removed from the plan; that the no-action alternative be adopted, and that that no-action alternative site that -- aside from the ACEC's, and all the other lands that are nondiscretionarily closed to leasing, all those lands opened to mineral fluid leasing; and that only the application of standard lease terms and conditions apply.

And that, as written, a no-action alternative, written in that form, be adopted. That's all. You have pressed the time.

THE PRESIDING OFFICER: Thank you, Mr. Yates. The next speaker that we have registered is Mr. Tim Gum.

And, again, would you please state your name and --

HS 2

MR. GUM: Yes, in a minute.

THE PRESIDING OFFICER: All right. Thank you, sir.

MR. GUM: My name is Tim Gum. I'm currently the district supervisor of the Oil Conservation Division in Artesia, New Mexico. [redacted]

The Oil Conservation Division is a part of the

Energy, Minerals and Natural Resources Department of the State of New Mexico. We are responsible for the regulation of the oil and gas industry for the benefit of the citizens of the state of New Mexico. Development of oil and gas resources in Otero County happen to be in my area of responsibility, that's why I'm here tonight.

Thanks to you for allowing me to make a few general comments on the RMP and EIS. Hopefully, these comments will be useful to the benefit of making a sound decision on this plan.

HS 2-A We currently have serious reservations about Alternative A and B. As you know, these alternatives cause many restrictions which will limit the production and exploration, efficiently, of a natural resource.

Alternative A is proposed to be adopted, and if it is adopted, it would seriously severely reduce the opportunity for future development and exploration.

This is particularly troubling to us, because there has been a recent discovery of a natural gas resource, which is a valuable source for the United States and the state of New Mexico.

HS 2-B These restrictions on surface occupancy and most promising areas of such exploration would be

HS 2 – Tim Gum

HS 2-A See response HS 1-D.

HS 2-B See response HS 1-D.

HS 2-B (cont.)

1 permitted or only permitted with extremely limiting
2 and costly restrictions. These restrictions would
3 also have adverse effect on offsetting state and fee
4 leases.
5 These restrictions do not make any sense, in
6 view of the recent discovery.
7 Let me give you some background that may help
8 you understand why we feel this way. Oil and gas
9 exploration and production is a vital activity. Oil
10 and gas heat our homes, fuel our vehicles, and impact
11 us in other ways too numerous to list.
12 Production of oil and natural gas contributes
13 significantly to the revenues of the State of New
14 Mexico and also to our nation. The industry employs
15 thousands of people statewide. The state government
16 is funded from taxes on industry for many of our
17 state programs, schools and education.
18 These important sources of state revenue cannot
19 be depleted and still have what we need to do in
20 order to be a growing, prosperous state and nation.
21 Nationally, the demand for natural gas has
22 increased. It is a clean-burning fuel now favored in
23 the generation of electricity. Demand for gas is
24 projected to increase steadily through the next
25 century. This is a prediction that was made by the

1 National Petroleum Council as an advisory committee
2 to the United States Department of Energy.
3 The National Petroleum Council recently stated
4 that additional supplies of natural gas must be found
5 and produced to meet the ever-growing demands and to
6 replace sources of gas that are becoming depleted.
7 It is now common knowledge that natural gas
8 prices have risen to unprecedented levels this year.
9 Unfortunately, history also shows that the high oil
10 and gas prices have a sufficient effect on not only
11 the global, national and local economies, but yours
12 and mine.
13 For those of you that use natural gas to heat
14 your homes, you may have noticed that your own
15 personal heating bill has almost doubled in the last
16 month. Mine has. The high energy prices are now
17 suspected of slowing economic growth of an economy
18 whose strength and vitality was unprecedented in the
19 history of this nation.
20 What is the reason for the increased natural gas
21 prices? Very simple. It's a question of supply and
22 demand. There is an insufficient supply of natural
23 gas today; therefore, the price continues to rise.
24 And the rising prices will eventually affect everyone
25 in this room.

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Part of the problem is the popularity of natural gas; however, the problem is also particularly the nature of the commodity. Natural gas is fundamentally different from oil; it cannot be transported the same, it is not produced the same.

Pipelines must carry natural gas from the source, from the formation from where it is found, through to endpoint user. Pipelines are not capable of going across the ocean. So, therefore, whatever resource of natural gas we have in the United States is what we use, what we demand, and if there is not the supply to meet our demands, we have to seek another fuel.

However, like natural gas is a nonrenewable resource, as sources of natural gas are depleted, additional sources must be found and developed. If additional sources are not found and developed fast enough, the supply decreases, prices rise, and that is what we are experiencing today.

This is why we are concerned about the amendment to the RMP. The HEYCO discovery shows there is a promise of natural gas potential, production, and even larger areas of development. Yet, the draft RMP suggests that access of this acreage is not going to permit it or only be permitted at a high cost level.

JANUARY 9, 2001

1 True, the total extent of this discovery is not
2 known, but more exploration and production should be
3 allowed to further delineate the area of this
4 resource. Because without knowing the area of the
5 resource, it's hard to determine what kind of
6 restrictions should be made on that particular
7 resource.
8 However, Alternative A and B, if adopted in
HS 2-C 9 their present form, would seriously threaten future
10 exploration and production efforts.
11 While the objective of protecting the area from
12 environmental damage is an objective no one would
13 disagree with, we are convinced that a balance
14 between reasonable access and production and
15 exploration can be arrived at.
16 THE PRESIDING OFFICER: One minute.
17 MR. GUM: (Indicating)?
18 THE PRESIDING OFFICER: One minute.
19 MR. GUM: Oh, okay.
20 And a perfect example of this coexistence
21 between the environment and industry is the purvey
22 from Reyjo Park area, in northern New Mexico. There
23 has currently been development, there is future
24 planned development, and no problems arise. This is
25 an example of industry, rectoral bodies, and

HS 2-C See response HS 1-D.

JANUARY 9, 2001

1 environmental concerns working together to solve a
2 problem.
3 It may be that there's something used in
4 preparing the RMP or the problem. If this is a fact,
5 let's all sit down and look at it and make sure that
6 we do not let a resource go by the wayside that has
7 already been discovered.
HS 2-D 8 We urge you to reconsider the Alternative A and
9 B in view of these comments, and we would be very
10 glad to assist you in any way possible. Thank you.
11 THE PRESIDING OFFICER: Thank you,
12 Mr. Gum.
13 The next speaker that we have registered is Mr.
14 Vernon Dyer.
15 MR. DYER: Thank you.
HS 3 16 I'm Vernon Dyer, and I'm with HEYCO, or Harvey
17 Yates Company. And not only am I going to speak to
18 the choir, but I'm going to beat the same drum.
19 We're talking about the three alternatives,
20 which is No Action, Alternative A or Alternative B.
21 The Alternative A is recommended, but it's a no
22 surface occupancy on lands around the discovery well.
HS 3-A 23 Although it doesn't restrict us, because we're a
24 unit at this time, it could very easily, but it would
25 cause all development outside the unit on a

HS 2-D See response HS 1-D.

HS 3 – Vernon Dyer

HS 3-A See response HS 1-D.

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HS 3-A (cont.)

1 short-term basis -- on a long-term basis, make it
2 impossible for people to do, because of the drilling
3 technology that is not capable of doing it at depths
4 we're talking about at this time, and that we've
5 discovered at.
6 So that is -- what that has done is actually put
7 a no leasing to the industry in the area around the
8 discovery well. So it hinders everybody from the
9 very start.
10 The research put in on this has showed that most
11 of the wells out in this area have been dry holes.
12 Most of the wells in this area, they used it and it
13 was drilled prior to nineteen -- to the mid-'70s, all
14 of them had gas shows.
15 At that time, the nearest pipeline was 50, 30,
16 70 miles away, gas was 5 cents at MCF, if you could
17 find somebody to take it. So naturally, it wasn't.
18 Well, that's not the case now. Almost every one
19 of those wells -- had they been found today -- we
20 would have been trying to do like HEYCO is right now,
21 build a pipeline, too. But that doesn't go into the
22 research, because it goes in as a dry hole.
23 So I'm just up here saying that -- and from a --
HS 3-B 24 as an industry spokesman, Alternative A or B means no
25 leasing, it means that we won't even consider it, we

HS 3-B See response HS 1-A.

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HS 3-B (cont.)

1 have to look at each one on an individual basis. I
2 don't know how much work that puts on you, but it's
3 got to be good, because that's the only way we can go
4 in and develop the field, is on well-by-well basis,
5 and look at the situation as we come to it.

HS 3-C

6 You, yourself, says there's only going to be
7 86 -- 860 acres out there destroyed -- or impacted.
8 Well, I mean, that's not too much for us to look at,
9 going on a well-by-well basis.
10 We think that's wrong. We think it's going to
11 be about four times that, in the industry. And we
12 think there's that much gas there.

HS 3-D

13 And that's just short and sweet. We recommend
14 that the no-action alternative is the one to be used,
15 and we feel that any other action will -- any other
16 alternative would just discourage exploration in the
17 oil and gas industry. Thank you.
18 THE PRESIDING OFFICER: Thank you,
19 Mr. Dyer.
20 That concludes the list of people that signed up
21 to make an oral statement.
22 At this point, I will allow anybody else that
23 would like to make an oral statement to do so.
24 MR. MURPHY: I'd like to. I'd like
25 to make a comment.

HS 3-C

Appendix A, Reasonable Foreseeable Development (RFD), provides an explanation of how the RFD was derived. Based on information provided by the representative group of the Southeastern New Mexico Oil and Gas Association in a meeting on September 28, 1999, BLM reviewed and increased the RFD for the Draft RMPA/EIS to the extent that available data could support.

HS 3-D

See response HS 1-D.

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THE PRESIDING OFFICER: Still confining yourself to the ten-minute limit.

MR. MURPHY: Well, I bet I can do it quicker than that.

(Laughter.)

THE PRESIDING OFFICER: Please state your name and address for the record.

HS 4 MR. MURPHY: Good evening. Welcome to Roswell. My name is Mark Murphy, I'm president of Strata Production Company, a small independent based here in Roswell.

We had no leases in Otero County, and I'd like to. It looks like a very promising area. But, really, what I want to speak to right now is, is that I'm also representing the Independent Petroleum Association of America this evening.

We're a National Trade Association, we have 6,000 members, and we represent independents all throughout the nation.

Several hundred of those members reside here in New Mexico, several hundred more reside in other states but explore here in New Mexico, at one time or another.

HS 4-A And we're very, very concerned about this process. As a matter of fact, our top agenda -- and

HS 4 – Mark Murphy

HS 4-A BLM must balance management for protection and enhancement of the resources along with management for multiple use, sustained yield, and development of resources in accordance with the FLPMA. BLM is required to impose the least restrictive constraints needed to provide adequate resource protection while allowing for other uses. Adequate protection can be afforded by the Proposed Plan (Alternative A modified) in this PRMPA/FEIS. If site-specific conditions warrant more restrictive protection, such restrictive measures can be imposed through Conditions of Approval attached to an APD.

Also, See response HS 1-D.

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HS 4-A (cont.)

1 at our administrative set at IPAA -- is land access,
2 the need for process. And we see this as a process
3 going awry here.
4 This is our poster child. This is the worst
5 thing that can possibly be happening. And we are
6 very concerned that in light of -- it's easy stepping
7 in right now, because so many people have made the
8 points I want to make, so I'll just hit some
9 highlights.
10 Tim talked about -- Mr. Gum talked about how
11 critical natural gas is to this nation. It's
12 critical to this industry. It's also critical to the
13 employment and the economic base here in the state.
14 In light of the HEYCO discovery, and the natural
15 gas shortages that we're experiencing in this nation,
16 either no action needs to be taken or -- if you feel
17 that this process has to be opened back up -- there
18 needs to be strong state and industry involvement.

HS 4-B

19 I would contend that you really need some
20 experts in terms of geology, engineering, modern
21 drilling technology, to assist in this plan.
22 Now, there was a statement made earlier, that
23 horizontal from the roads is not practical. I
24 reviewed the plan, I've looked at Steve's maps -- I'm
25 an oil man, and I can tell you I agree with that.

HS 4-B The qualifications of the individuals are appropriate and the data, information, and analyses are adequate.

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But that's not to say that natural gas can't be developed in an environmentally reasonable manner, not here or anywhere else. It just is not practical to do it the way you are proposing it.

HS 4-C I think the most telling thing to me was the map that said that there's low development potential. I may be phrasing that wrong, but I think that's pretty close. And I would say that this -- that the most glaring example that that analysis is wrong is the very thing that we've talked about tonight, and that's the HEYCO discovery.

HS 4-D So you need to go back and revisit this. Industry will assist you in doing that, if you want. If we can agree on how we ought to approach it, technically, there are examples in the past where we have gone to third parties -- the Petroleum Recovery Research Center at New Mexico Tech, the Bureau of Mines at New Mexico Tech, disinterested third parties that have said, "We will help evaluate the resource, and we will" -- and, hopefully, that analysis will help us all come to a better conclusion. Thank you for the opportunity to speak.

THE PRESIDING OFFICER: Thank you, Mr. Murphy.

Are there any other -- any?

HS 4-C There are not sufficient data available to justify increasing the potential for oil and gas occurrences and development to a level higher than low to medium potential. Refer in this PRMPA/FEIS to Chapter 3, Section 3.5.3, which states, "To distinguish the medium and low potential areas, the tectonic areas were evaluated for evidence of whether the trapping mechanisms for the oil and gas resource likely would be present. In the Basin and Range province it was determined that while the source rock, thermal maturity, and reservoir rock likely would be present, the trap in horst may be either nonexistent (breached) or likely to have been flushed by fresh waters. Therefore, the horst blocks or uplifted areas (Caballo Uplift, San Andres Mountains, Sacramento Uplift, and Guadalupe Uplift) with the exception of the Otero Platform have been given a low potential rating. The Otero Platform is only partly uplifted and a large portion of its stratigraphic section is still beneath the subsurface."

HS 4-D See response HS 1-D. Also, following scoping early in the process (Fall 1998), BLM responded to requests to meet with industry representatives (i.e., a southeast New Mexico subgroup of the New Mexico Oil and Gas Association). BLM met with the group on several occasions. At the meetings, BLM presented data and information, received feedback, and discussed the status of the planning efforts.

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MR. BOLING: (Indicating.)

THE PRESIDING OFFICER: Yes, sir.

MR. BOLING: My name is Mike Boling, I'm an independent geologist here in Roswell.

THE PRESIDING OFFICER: Could you spell that for us?

HS 5 MR. BOLING: B-O-L-I-N-G. [redacted]

[redacted]

I just have two comments to make. Again, I'm going to be redundant. But my first comment is to Mr. Phillips' assertion that -- of the lack of potential out here.

HS 5-A And I was at the meeting in November of 1998, and while you guys were determining that there was no potential out here, several things occurred. One was there were two lease sales in Hudspeth County, Texas, across the line, directly south of Otero County.

More than 400,000 acres were put up. The first lease sale was in May of 1998. There were about four leases taken. I, fortunately, had an interest in one of those leases. The second lease sale was in June of '99, I believe. '98? June of '98. The rest of Hudspeth County was leased. I can tell you there was no le- -- hadn't been a lease taken out there, probably, in 25 years before that.

HS 5 – Mike Boling

HS 5-A See response to HS 4-C.

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Subsequent to those sales, the State of New Mexico had a lease sale. I was fortunate enough to have an int- -- to buy an interest into those leases, also. Those were all leased.

So either the geologists that you used to make that evaluation are a hell of a lot smarter than the ones that do this for a living or they missed the boat.

And the one thing that we know about Americans, we vote with our feet and our wallet. And everybody ran down to those lease sales and spent their money, while you were making this evaluation that there was no potential there. Excuse me.

HS 5-B The other thing is again redundant. Tim's comments and Mark's comments. You know, we know what's going on in the energy market right now. It's completely different than what it was in November of 1998. Lots of things have happened. The price of oil went to the lowest it's been historically, and now the right of gas is as high as it's ever been.

We know that we're consuming 21 trillion cubic feet a year in this country. We can only produce 18. Every estimate says we're going to be using maybe 30 trillion cubic feet a day -- a year -- well, in 10 years, we know what the -- right now, there's around

HS 5-B See response to Comment B, Letter 14.

230 trillion cubic feet already off limits to our exploration in this country, on or offshore.

To me, the process that you've undergone is historical, in the sense that it's looking backwards, not forward. We have a whole new dynamic in this country. And the people in California are experiencing, right now, the effect of that. This is a policy with the gas business, it's -- is at least 15 years old. Everybody in this country wants to use gas, but nobody wants to go find it or is willing to go find it.

And we're now paying the price. Every one of us -- like Tim said -- every one of us, eventually, will pay the price. If not this winter, this summer. It's coming.

My only comment, again, is that we're in a new world now. You guys need to be in that world with us. We need to look forward, not backwards. That's it. Thank you.

THE PRESIDING OFFICER: Thank you, Mr. Boling.

Any other people that wish to make an oral statement?

MR. BROODHEAD: (Indicating.)

THE PRESIDING OFFICER: Yes, sir?

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MR. BROODHEAD: Do you want to go first?

MR. YAHNEY: Doesn't matter.

MR. BROODHEAD: Go on.

MR. YAHNEY: Hopefully -- hopefully,

HS 6 I will have a voice. My name is Gordon Yahney, I'm a geologist for HEYCO. My address is [redacted]

THE PRESIDING OFFICER: Could you spell your last name for us, please.

MR. YAHNEY: It's Y-A-H-N-E-Y.

And I'm going to direct my comments, specifically, to a section of the RMPA -- if I can find it here in my notes.

It starts out at -- it's section 3 -- it's on page 3-9 or section 3-9, it says "Geology and minerals."

You have a very interesting organization in your book. "Geology" directly follows "traffic accidents." That makes no sense to me at all. The flow in the book is pretty bad, part of my concern.

I'll assume here that the term "minerals" being used -- and, again, it's been used up here in the -- really, a very loose term. It takes in petroleum, geothermal aggregates, coal resources -- that most

HS 6 – Gordon Yaney

geologists wouldn't -- true geologists wouldn't call minerals.

And then in the next part, "soils" gets their own category. Most of the time soils are in geology, too.

Going on, the basin and range province is highly influenced by the Rio Grande Rift, with the exception of the westernmost quarter of Sierra County.

Well, that -- parts of Sierra County has got a volcanic field in it, and volcanic fields and rifts go together. There's -- there is no need for any kind of exception there.

As you follow along at 3 -- 3-10, you start into a geology summary. One page. Grossly inadequate. Even if you've got stuff in the back, it's still grossly inadequate. Geothermal rates about the same length.

And looking at the "Oil and Gas," the term Orogrande basin, which has been in the -- in the literature for -- in excess of 50 years as the paleogeographic basin that's -- that contains all the source rocks, all the reservoir rock, all the potential for petroleum traps, it's not even mentioned in any part of that document, in that part.

HS 6-A Again, as somebody mentioned before, no area is

HS 6-A See response to HS 4-C.

HS 6-A (cont.)

1 ranked as being high potential. Yet the oil and gas
2 industry, if we were allowed to do something out
3 there, we'd much closer to realizing a significant
4 economic base of royalties, and all that good stuff
5 on any geothermal project, because I know about
6 what's going on right now.
7 I'm going to give you some pie-in-the-sky
8 numbers. These are based on an article that was put
9 into the Oil and Gas Journal, about 1985. It was
10 done by Pyron and Gray. Art Pyron was a geologist
11 that was here in Roswell for a time, I think he
12 worked for Armstrong Energy.
13 Some of the stuff is pretty self-explanatory.
14 Size, 11,000 square miles or seven million acres,
15 this is the whole paleogeographic basin called the
16 Orogrande Basin.
17 The area that's currently off limits due to the
18 military -- 4,200 square miles, 2 3/4 million acres,
19 roughly 38 percent. Nearly all of that land is in
20 the deeper portion of the Orogrande Basin, where trap
21 preservation and gas generation would be most likely.
22 What that amounts to is that 75 percent of the
23 deeper portion of the Orogrande Basin have been
24 withdrawn from the oil and gas industry.
25 To date, in the Orogrande Basin, there have been

1 about a hundred wells drilled. In the paper, they
2 roughly equivalent that to having 36 square miles
3 tested, out of that 11,000. That means that we've
4 tested one percent of that basin.
5 The Orogrande Basin contains age and faces
6 (phonetic) equivalent source rocks to the
7 pre-Leonardian portion of the Permian Basin. All the
8 principal horst rock units are there, the Woodford
9 Shale, the Barnett, Penn Shale, they all have TOC or
10 total organic carbon values in excess of 1 percent.
11 The organic-matter types and the maturity levels are
12 fine, more than adequate for the generation of oil
13 and natural gas.
14 I'm going to make a -- some other numbers here.
15 I've made some gross numbers, just based on the way
16 that Pyron and Gray did this. If you take an
17 equivalent portion of the Permian Basin, which is --
18 the size of the Orogrande Basin is roughly equivalent
19 to the size of the Permian Basin here in the
20 southeastern New Mexico. You go through that
21 calculation and you limit it to the part of the
22 section which is present near the Orogrande Basin --
23 which is pretty much pre-Leonardian. Which means
24 that the San Andres here in the Permian Basin is not
25 included in any of these totals (indicating), you get

a number of 1.5 billion barrels of oil, and 10 PCF that could be in the Orogrande Basin.

Now the current value for that resource is roughly $80 billion. That's pretty big numbers. And that's all based on what we see here in southeastern New Mexico. We've got 1.4 billion barrels of oil, and 2.2 -- 2.3 PCF gas in associated gas and oil production, and our gas production fields, so we've got 8 PCF, and -- and a hundred million barrels of oil -- of condensates.

That comes out to a yield or a production, per surface area, of 220 barrels per acre, plus 1 1/2 million cubic feet of gas. Yeah. Roughly, that equates to 475 barrels equivalent per acre.

The Orogrande Basin has got a lot of problems associated with it, because of the basin and range. Okay. Basin and range tectonics is breach traps. And we've got igneous intrusions that are coming into there. If you assume the Orogrande is only 10 percent as efficient in trapping hydrocarbons as the Permian Basin, you still have a reserve base that's worth $8 billion. Do we want to ignore this?

HS 6-B Because if we go through with Alternative A, Alternative B or a continuation of the management policies that you are putting in to effect, we will

HS 6-B See response to HS 1-D.

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not be there. Thank you.

THE PRESIDING OFFICER: Thank you, Mr. Yahney.

Did you want to speak now?

HS 7 MR. BROODHEAD: Hello. My name is Ron Broodhead. I am the principal petroleum geologist and associate director of the New Mexico Bureau of Mines and Mineral Resources in Socorro, a division of New Mexico Tech. My address is [redacted]

I will give written comments later on; I have a few oral comments.

HS 7-A First, a few things. I too would like to express my opinion in the area of lack in the report of no high-potential areas. I think it's obvious: A discovery in a frontier basin. It tests formulated in cubic feet of natural gas a day, it is virtually unprecedented in the continental United States; and presents a very significant discovery and, therefore, shows very high potential, at least in large parts of this area.

About three years ago, our organization -- myself as the lead scientist -- was hired by the United States Army to do an evaluation of the Energy and Mineral Resource Assessment of the McGregor

HS 7 – Ron Broadhead

HS 7-A See response to HS 4-C.

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Range, which is located within this resource area.

We studied various aspects of the geology, included that all the rights components for oil and natural gas accumulations indeed are there. At the time, we did not rate anything with a high potential because our report and study was essentially done before public dissemination of the results of the HEYCO well. Had the HEYCO well been in our data inventory at the time, we would have had large areas of high potential within the area.

We have found things such as several thousand feet of very mature, very good-quality petroleum source rocks in the area, probably generating trillions of cubic feet of gas, and possibly large -- also millions or tens of millions of barrels, perhaps hundreds of millions of barrels of oil associated with that gas.

I'd like to -- there are certainly also wells drilled in the area that indicate tremendous reservoir potentials in the area. Large -- most wells drilled in the area have encountered zones of permeability of requisite reservoirs.

I'd like to mention something a little bit about several people that I've -- I've talked to over the last couple of years, have voiced opinions similar to

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HS 7-B

1 what Mr. Yates voiced this evening, that if they are
2 not allowed to develop -- pursue development and
3 exploration on the federal lands, they will ignore
4 development on state -- interspersed state trust
5 lands and private lands as well.
6 And I would like to mention that the State Land
7 Permanent Fund derives approximately 90 percent of
8 its revenue from royalties on oil and gas production,
9 on state trust lands. These lands in the Otero area
10 are interspersed with the federal lands and,
11 therefore, any action which has a deleterious effect
12 on development of federal lands will also have a
13 deleterious effect on qualified state and trust lands
14 interspersed; and, therefore, it hurts revenues,
15 direct revenues to the State of New Mexico, which
16 goes to fund education, as well as such things as
17 Sierra County Hospital.
18 A further point I would like to make is the
19 concept of drilling vertical versus horizontal wells.
20 I think in most places where you see exploration, at
21 least in the initial stages of the basin, vertical
22 wells are always preferred. And the reason is,
23 because you want to test multiple pay zones, multiple
24 potential throughout the entire stratigraphic
25 section, which cannot be done, satisfactorily, with

HS 7-B See response to HS 1-D.

horizontal wells.

An analogy to the Permian Basin, 60 miles to the east, which accounts for 25 percent of domestic oil and gas production in the U.S., indicates that multiple pay zones would be expected to be found in this area.

And that's about all I have to say.

THE PRESIDING OFFICER: Thank you, Mr. Broadhead.

Yes, sir?

MR. ARRANT: I want to make an oral comment.

THE PRESIDING OFFICER: You may.

HS 8 MR. ARRANT: My name is Bryan Arrant. I'm employed with the New Mexico Oil Conservation Division; my position is petroleum engineer specialist, a/k/a geologist.

And the last name is spelled A-R-R-A-N-T. And my business address is [redacted]

And like Steve mentioned in his opening comments, I wish more people with John Doe Public were here, because my comments mirror what Tim and Ron have said about the economic impact of what the oil and gas industry does, and our dwindling supplies

of oil and gas reserves in the United States.

And as many of you all know, New Mexico plays a major role in the exploration and production of oil and gas in the United States. And this industry was first discovered in the 1920s.

The people of New Mexico have benefitted to a major extent from the revenue and jobs that this resource has created. Major areas of current production, as you know, is in the southeast part of New Mexico and the Permian Basin, the Bravo Dome in the northeast, and the San Juan Basin in the northwest which leads our country in gas production.

In 1997, figures estimate that New Mexico produced more than seven million barrels of oil, 1.5 trillion cubic feet of gas, and 140 billion cubic feet of naturally occurring carbon dioxide. These valuable resources were retained for more than 2,000 oil and gas bills.

During 1997, the State of New Mexico generated 32 percent of its general fund revenues from taxes and royalties from this vital resource. From this revenue, these taxes and royalties contributed more than 90 percent of the -- 90 percent of the principle for severance tax and land grant permanent funds.

These earnings were used to fund our education

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for our children and other state government operations.

Petroleum tax receipts are also placed in New Mexico's general budget. Reports released by the media recently indicate New Mexico will see an extra $375 million surplus, directly related to the oil and gas revenues for this year alone.

The geographical areas mentioned employ an estimated 10,000 New Mexico citizens, who in turn contribute to that area's economy.

In talking about the dwindling supply of oil and gas in the United States, as many know here, that oil and gas produced from wells do not produce at a constant rate. They generally decline, and the wells are subsequently plugged and abandoned. I feel it is therefore important to our economy that continued exploration is sustained, while not only preserving the welfare for the people of New Mexico, but also for our nation.

Over the past year, one can see how the price of natural gas has escalated to all-time highs. I pulled on the Internet the other day, Henry Hub (phonetic) natural gas prices, back last year in January, were around $2 an MCF, and now it has grown up to around $10.50 on January 3rd.

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1 And before I came to this meeting, listening to
2 World News Tonight, up in the north part of the
3 country there are some people that are paying $529 a
4 month to heat their houses.
5 There are a number of factors that play into
6 this price increase. One usually, as we all know as
7 we get the fund, is the cold weather that we've been
8 experiencing, refineries unable to keep up demand,
9 and our abnormally low gas prices.
10 So, you know, it's -- it's my feeling that, you
11 know, we try to have a win-win situation here to
HS 8-A 12 where we gravitate toward the no-action alternative,
13 and, you know, let the oil and gas operators, you
14 know, find and discover oil to help our economy out.
15 In reading through your RMP, I found this -- a
16 minor area that refers to Rule 104, and the spacing
HS 8-B 17 for gas wells in Otero and Sierra County are 160
18 acres. That's from top to the center of the Earth.
19 For 320 acres, it only applies to Lea, Chaves,
20 Roosevelt and Eddy County.
21 That's it.
22 THE PRESIDING OFFICER: Thank you,
23 sir.
24 Is there anybody else that wishes to speak?
25 Yes, ma'am.

HS 8 – Bryan Arrant

HS 8-A See response HS 1-D.

HS 8-B The statement has been corrected.

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MS. DAY: Don't worry, I'll only take ten minutes --

(Laughter.)

HS 9 MS. DAY: -- or less. My name is Eileen Day. I'm with Burlington Resources out of Midland, Texas. I'm on the sign-up list, but would you rather me to tell you the address?

THE PRESIDING OFFICER: You're on the sign-up sheet up front.

MS. DAY: Okay. Okay. I serve Burlington Resources in the capacity of regulatory compliance supervisor, I also participate on many committees, industry committees, on public access to federal acreage.

I participated on a task force with the BLM at the beginning of this Draft Resource Management Plan, and I want to thank the BLM for offering that to industry; I was very optimistic at that point, that industry would have somewhat of a good working relationship with the BLM and come up with a really good product.

Since that time, I've been -- Burlington -- Burlington I might add is a partner -- I don't know if I mentioned that -- with HEYCO and the Bennett Ranch Well. And since that time, we have moved up

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north to other priorities where -- where we can get to gas pretty easily on federal lands, where we don't have to wait two, three years for an environmental impact statement to be written and then to come up with No Surface Occupancy.

HS 9-A And I want to address a couple of things in the most restrictive management practices. I believe that the BLM is mandated to use the least, least restrictive management practices in protecting the resource. And by seeing the area of potential for our industry, I was amazed -- flabbergasted at the amount of No Surface Occupancy.

And the BLM even says -- shoot -- the

HS 9-B difficulty -- I wanted to quote the page. But the BLM even states that their No Surface Occupancy areas are, in fact, the same as No Lease. And the areas that are listed as the No Surface Occupancy are aggregated together so that directional drilling is not feasible or is not economically feasible.

MR. YATES: (Indicating.)

MS. DAY: Thank you.

On page 4-84, it says that the majority of the NSO area is essentially close to leasing.

Thank you.

But I wanted to say that the -- again, the least

HS 9 – Eileen Dey

HS 9-A BLM is required to impose the least restrictive constraints needed to provide adequate resource protection while allowing for other uses.

Also, see response to HS 1-D.

HS 9-B The statement to which the speaker is referring is in the Draft RMPA/EIS, page 4-84, which states, "if NSO areas coalesce and become large enough that directional drilling is highly unlikely, then the majority of the NSO area is essentially closed to leasing." See response to HS 1-D.

restrictive measures should be used to protect the resources, and I'd like to see the science used in using the NSO versus controlled surface use or standard lease terms in those areas.

The fragile soils, I'd like to see the BLM look at other areas, such as Moab, Utah, where there are extreme fragile soils and there is oil and gas development in those areas.

Industry can do a good job. I want to use the example of the 3-D seismic program that was performed two years ago in this area. And Tom Phillips even complimented on what a good job. The BLM was concerned at the risk of damaging the surface; and they did an excellent job there. And industry can do that, we've got the technology to do that. We can look at other places.

I feel that the BLM is not committed to oil and gas in this document, and not accepting their responsibility to do so.

This document refers to the worst-case scenario throughout, throughout the entirety. And in my opinion, this is the worst-case scenario for industry. I will be submitting my more specific comments in April. And thank you for your time.

THE PRESIDING OFFICER: Thank you.

MS. DAY: Yes.

THE PRESIDING OFFICER: Are there any other speakers out there? I think we just about covered everybody.

Well, in that case, I will officially adjourn the meeting.

And the BLM folks will be around here for a little while afterwards, if you wish to confer. Thank you for coming, and we really appreciate your attendance.

(The proceedings concluded at 7:55 p.m.)

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Tom Phillips, from the Bureau of Land Management, to briefly describe the proposed action and the alternatives that are analyzed in the Draft Plan Amendment and the EIS.

And those of you sitting in this back corner, you may wish to migrate either over to the front or to the side, because he's going to be projecting the presentation over on this wall (indicating).

Tom.

(Presentation by Mr. Tom Phillips.)

THE HEARING OFFICER: Thank you, Tom.

At this point, I would like to officially bring this public hearing to order. Those of you that will be speaking, please begin your oral statement by stating your name and your address and the organization that you're affiliated with, if any. Please also spell your name, so that the court reporter can get it accurate and in the record.

Our first registered speaker is Michael Nivison, county commissioner of Otero County.

Mr. Nivison.

And would you please step up on this side of the table so that you don't trip on any of the cords over here. And speak from the podium.

HS 10
HS 10-A

MR. NIVISON: I'd like to bring

HS 10-A

Early in the RMPA/EIS process (Fall of 1998), BLM distributed an informational Scoping Notice to agencies and the public on the BLM mailing list (see Chapter 5, Table 5-2 and conducted meetings on November 2, 4, and 5 in Roswell, Alamogordo, and Truth or Consequences, respectively, to solicit input and identify issues before beginning the studies and analyses. Prior to the evening meeting on November 4, 1998, BLM met with Otero County representatives to discuss county issues. All comments received during scoping were compiled and analyzed, and a Scoping Summary Report was distributed to the entities on the mailing list in January 1999 to provide the opportunity for the interested agencies and public to review the results of scoping. The cover letter for the scoping report indicated that BLM would continue to consider comments throughout the planning and EIS process.

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HS 10-A (cont.)

1 attention, on behalf of the County, there's a
2 memorandum of heads of federal agencies from the CEQ,
3 which would ask for the agencies to include the --
4 and let me read part of it -- to solicit in the
5 future, the participation of the state, tribal and
6 local governments as cooperating agencies in
7 implementing the environmental impact statement
8 process under the National Environmental Policy Act,
9 jurisdiction bylaw, and special expertise with
10 respect to reasonable alternatives or significant
11 environmental, social or economic impacts.

HS 10-B

12 The draft document, as I read it, have looked in
13 both chapter 3 and chapter 4, at the economic and
14 social consequences -- and one comment I'd make on
15 page 4-54, "Impacts on specific communities cannot be
16 determined at this time due to the programmatic
17 nature of this EIS."

18 I would like to point out to the agency that the
19 County has participated in the statewide BLM/EIS for
20 three or four years. We have gathered, as a County,
21 a lot of data on our economics and the impacts that
22 can happen to our citizens. In that, socioeconomic
23 impact statements, I think we do have special
24 expertise; not only in the economic part, but we do
25 keep a person on staff that has a Ph.D. that can both

HS 10-B

The sections relating to Social and Economic Conditions in Chapters 3 and 4 in the Draft RMPA/EIS adequately address the issues for this programmatic document.

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1 deal with the economic and the social.

HS 10-C

2 I don't -- I see cumulative effects -- I don't
3 see cumulative effects in human environment; I only
4 see it in the biological environment. I don't
5 think -- and just based upon that statement and both
6 what it says in chapter 3 or 4, that the County would
7 have an awful lot to handle as far as those issues,
8 helping with mitigation, helping with the consistency
9 of the plan, as far as our planning and our laws,
10 both county and state.
11 The -- the -- also, in developing alternatives,
12 I think some of the things that need to be thought
13 out -- because in the National Environmental Policy
14 Act, what it says is you take care of the biosphere,
15 and the health and welfare of mankind, and we see --
16 as a County who has 88 percent state or federal
17 land -- and encroachment on our tax base, and our way

HS 10-D

18 of life and I think it's very important that we -- we
19 sit down and share indicators with the agencies that
20 we see, and develop those indicators as to how it's
21 changing our custom and culture.
22 I think our custom and culture is something that
23 the people of this county should decide how it is
24 changed, and we are responsible for the health and
25 safety and welfare of the people in the county. It

HS 10-C Refer to Section 4.4, Cumulative Effects.

HS 10-D See response HS 10-A.

seems to be of late that the outside influences that are being put on the county by the federal government are what is changing us more, and we have become very sensitive to that over the years.

So I do see a real need to address these issues, and I -- I want to reiterate that it says in the memorandum -- which I'll be happy to turn over to you as a piece of evidence -- that it's to solicit those agencies.

For a long time, we were stonewalled with the idea that we couldn't participate; only federal agencies could, other federal agencies. And again I'd like to suggest not only through this memorandum, but the fact that we do have special expertise that we should be dealt with at the earliest possible moment, which is what CEQ and NEPA asks.

The -- I think we need to be very careful. We've seen a vast array of environmental impact statements run across Otero County/McGregor Range -- the bombing range, low flights. And this -- and we have made statements in the past on other EISs that we're very concerned about the fragmenting of the process; that only -- that an EIS is only looked at for itself, and not in the whole picture of what else is going on in our county.

I think you're all aware that President Clinton has just signed a roadless bill, which puts 60 million acres off limits -- or not off limits -- to the public, but no roads available in those areas. That does have an impact on -- impact on us. The Wetlands Project and the Wildlife Study Areas do, when you -- when you get us down to the point where we don't have a tax base -- and the filter money payment in lieu of taxes is only about 10 percent, we're receiving very little revenues off the forest, as it were -- that these not only change our custom and culture -- and we're resilient people, I believe, in this county -- but we need to be included so that we can voice those concerns and share with you what those indicators are; so that as you develop with your alternatives, they not only meet the bi- -- the physical part of it, they do meet the human environment.

Thank you very much.

THE HEARING OFFICER: Thank you.

Our next registered speaker is Mr. Bill Hornback. And I might remind you to state your name and address and affiliation for the record.

MR. HORNBACK: I would be reserved to later in the speaking...

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HS 11

THE HEARING OFFICER: Our next registered speaker is then Mr. Bebo Lee (phonetic).

MR. BEBO LEE: My name is Bebo Lee. I'm a rancher in Southern Otero County on Otera Mesa.

HS 11-A

I'd like to comment on the -- one of them was on the roads, and I believe it was under Section 4-21. There was one in there about on the roads, that once the roads are developed, it may be desirable to maintain them should ranchers and others who use the public lands want to use these new roads.

I would like it -- to see if we could use the existing roads as much as possible, and not be -- I know it would be more accessible for the oil companies to have them in a straighter line or however would affect it to make it easier for them to get to; but I'm worried that once they go back to -- to the way they were when the fields go away, that it would be a lot harder to ever get the ground restored, to get it reseeded, as we pound -- when the pipeline companies that come through there, get a lot of traffic in there, that they get foot and caliche on them, that it's very hard to get them restored back to the grass.

On the seismographic -- I noticed on the Bennett one over there -- when they drilled it, they had done

HS 11 – Bebo Lee

HS 11-A

As stated in Appendix B – Surface Use and Best Management Practices, BLM encourages the use of existing roads to the maximum extent practical and minimize new roads in unroaded areas. Where new roads are needed, construction, maintenance, abandonment, and closure of the roads on public land will be in accordance with the BLM New Mexico State Office Road Policy, Standards, and Procedures (Instruction Memorandum No. NM-95-031).

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the seismographic. I don't remember the exact data on it, but it was -- it was from January to around May, somewhere around in there. It seemed to have less effect on the vegetation; you couldn't even hardly tell they were there.

I don't know if there's any way that they can do the seismographic that way or not, if that would work in their plan, but I'd like to see it that way. It seems to have -- to have very little effect compared to what we had when Texaco did it about 25 years ago during the wintertimes of the year, and it seemed to -- to leave trails where cows got to walking up and down them and caused -- not really any erosion, but it caused a lot more signs on the earth where you could see where they were moving.

HS 11-B

Another concern I had was under section 4-24. I'm not that knowledgeable on it, but back on the injection wells, and it was talking about if the water was for human consumption. I believe our water level tables are dropping. There is some very good water around 2,000 foot that Texaco's hit. I don't know whether HEYCO hit any over there.

And we're just wanting to make sure -- like I said -- I said I'm not too knowledgeable on the injection wells -- that none of the water got down

HS 11-B

As stated in Section 4.2.4 of the Draft RMPA/EIS, disposal injection wells "are subject to the permitting and regulatory control provisions of the Federal Safe Drinking Water Act's UIC [underground injection control] Program (40 CFR Part 144). The New Mexico Oil and Gas Commission (NMOGC), with oversight of the EPA, administers and implements the UIC program in the Planning Area. A permit from the NMOGC is required prior to drilling a new well or recompleting an existing well. Injection pressures and volumes are monitored to ensure that potable aquifers are not affected adversely by injection of produced water. Potential cross-contamination of groundwater supply aquifers from disposal wells is unlikely because of the the required use of appropriate well construction (e.g., entire well bore cased and cemented), restrictions on injection pressures, completion of mechanical integrity testing, and completion of detailed monitoring of produced and injected water volumes."

HS 11-B (cont.)

into that, as our water tables are dropping. And possibly at some time -- probably maybe not in my lifetime or maybe in my children's lifetime -- we may have to go that deep to get our water for our drinking water and for our livestock water. Thank you.

THE HEARING OFFICER: Thank you.

Mr. Hornback, that's all the registered speakers we have. So if you'd like to go on or you can make --

HS 12

MR. HORNBACK: Well, mine is going to be very short.

My name is Bill Hornback, my address is [redacted]

I represent the New Mexico Justice Council. And the only concern I got here is -- well, there's more than only -- but the shortest route to it would be no new amendments. I stand opposed to any of the new amendments. Thank you. I guess that would be your -- not your alternative A, but the no change.

THE HEARING OFFICER: Thank you. That completes the list of speakers that we had registered. I'd like to open it up for anybody remaining that would still like to make comments. Just raise your hand, and I'll recognize you. And

you may come to the podium for ten minutes.

Yes, sir. Why don't you walk around this way (indicating).

HS 13

MR. YAHNEY: My name is Gordon Yahney, and I'm a geologist from Harvey E. Yates Company. I've been involved with the geology of the Bennett Ranch Units, and of the Orogrande area in general.

My comment that I'd like to make tonight, I'd like to direct it to what appears in the appendix at A-II-2 (sic), that deals with the Federal Land Policy and Management Act. It says there that an issuance of the -- a lease grants to the lessee exclusive right to use as much of the leased lands as necessary to conduct exploratory drilling and development operations -- subject to the stipulations that are attached to that -- the lease.

Okay. Stips consist of modification to siting. That means that we can be asked to have our -- our site for our APD or our location moved; we can also be asked to modify the design of that specific operation or to modify the design of that siting.

It can also tell us that we can only do certain things at certain times; that's called timing of operations. And also included in those stips is also

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HS 13-A

1 called specifics as to how we reclaim the land.
2 It -- that particular section goes on further to
3 say that measures consistent with lease rights are
4 that if you have a lease, the relocation of the
5 proposed operation can only be by 660 feet, roughly
6 one hundred -- 1/8 of a mile.
7 I could -- I contend here that if a site cannot
8 be moved by 660 feet on this lease, then the lease
9 should not have been issued. Also, along that same
10 line, any area further than 660 feet from an NSO
11 boundary -- that's a nonsurface occupancy boundary as
12 set out by various regulations -- therefore should be
13 considered to be withdrawn. Okay.
14 And also, here, I got something else. It says
15 that another measure that's consistent with lease
16 right is the fact that no surface-disturbing
17 operations may be prohibited for a time not to exceed
18 60 days.
19 Now, I'm pretty sure that the management
20 guidance decision over there did not take these
21 particular measures into account. And I'd like to
22 see something that says what I've just -- just
23 related to you, with some accurate numbers over
24 there. That's all I've got today. Thank you.
25 THE HEARING OFFICER: Thank you.

HS 13 – Gordon Yaney

HS 13-A

The speaker is referring to Appendix A-II, Lease Issuing Process of the Draft RMPA/EIS (page A-II-1). "The issuance of a lease grants to the lessee the exclusive right to use as much of the leased lands as is necessary to conduct exploratory drilling and development operations in the leasehold subject to stipulations attached to the lease; restrictions deriving from specific, nondiscretionary statutes; and such reasonable measures as may be required by the surface-management agency's Authorized Officer to minimize adverse impacts on other resource values, land uses or users not addressed in the lease stipulations at the time the operations are proposed (Application for Permits to Drill [APD]) provided they do not exceed the terms of the lease. To the extent consistent with lease rights granted, such reasonable measures may include, but are not limited to, modification to siting or design of facilities, timing of operations, and specifications of interim and final reclamation measures. Measures shall be deemed consistent with the lease rights granted provided that they do not require relocation of proposed operations by more than 200 meters, require that operations be sited off the leasehold, or prohibit new surface disturbing operations for a period in excess of 60 days in any lease year (43 CFR 3102.1-2)."

Regarding the Alternative A stipulation of NSO on Otero Mesa, based on public comment on the Draft RMPA/EIS, BLM conducted further analysis. BLM re-evaluated the use of the NSO stipulation of Alternative A and has developed a stipulation to control surface use by limiting industry's disturbance to no more than 5 percent of the leasehold at any one time and requiring the new lessees to form exploratory units prior to commencing drilling activity. This would allow for implementing the lease restrictive constraints that would provide adequate resource protection while allowing fluid minerals leasing and development to occur.

Anybody else that would like to be recognized? Any body else that would like to be recognized?

HS 14 MR. ARRANT: Hi. Good evening. My name's Bryan Arrant. Last name is spelled A-R-R-A-N-T. I'm with the New Mexico Oil Conservation Division in Artesia. My job title is Petroleum Managerial Specialist.

I mostly do the geology in that area, and we oversee a number of counties, including Sierra and Otero County. And most of our activities, as most know, is in Eddy and Chaves County, part of De Baca County.

What I'd like to talk briefly about in -- and most of the people that are in Roswell heard it last night -- is the economic impact of oil and gas for New Mexico and our dwindling supply of oil and gas reserves in the United States.

New Mexico plays a major part of exploration and production for oil and gas. First discovered in the 1920s, the people of New Mexico have benefitted to a major extent from the revenue in jobs that these resources have created. Major areas of current production for oil and gas include the Permian Basin in southeast New Mexico, the Bravo Dome from the northeast of the state, and the prolific San Juan

Basin in the northwest, which leads our country in gas production.

1997 figures estimate that New Mexico has produced more than 70 million barrels of oil, 1.5 trillion cubic feet of gas and 140 BCF of naturally occurring carbon dioxides. These valuable resources are obtained for more than 200,000 oil and gas bills.

During 1997 the State of New Mexico generated 32 percent of its general fund revenues for taxes and royalties from this vital resource for this revenue. These taxes and royalties contributed more than 90 percent of the principal for the severance tax and the land grant permanent fund. These fundings are used to fund education for our children and other state government operations. Petroleum tax receipts are also placed in the New Mexico general budget.

Reports released by the media realm indicate that New Mexico will see an average of $375 million surplus, which can be directly related to the oil and gas revenue for this year alone. The geographical areas mentioned employ an estimated 10,000 New Mexico citizens, who in turn contribute to our areas economy.

In talking about the dwindling supply of oil and gas reserves in the United States, oil and gas

1 produced from wells do not produce at a constant
2 rate; they generally decline, and the wells have to
3 be subsequently plugged and abandoned. We feel that
4 it's therefore important to our economy that
5 continued exploration is sustained, not only
6 preserving the wealth for the people of New Mexico,
7 but for our nation.
8 And over the past year, one can see how the
9 price of natural gas has gone up. I pulled off the
10 Internet, a few days ago, what the price of gas was
11 back in January of last year; and it was $2.50 an
12 MCP. January 3rd, that has grown to $10.50.
13 And as you can see -- you know, listening to
14 news reports, and the paper, there was a woman up
15 north part of the country that paid $527 just to heat
16 their house. And basically what -- what I'm saying
17 is, you know, I think it's important that we try and
18 permit oil and gas companies to -- to explore the
19 lands, but also to -- to protect the environment.
20 And this is not an opinion of the New Mexico Oil
21 Conservation Division, this is kind of an opinion of
22 mine, is -- is -- you know HEYCO has their leases
23 tied up in the Otero Mesa. I was going to see maybe
24 if HEYCO and the BLM could get together to see if
25 they could use that as a test site, the existing

acreage that they have tied up, to see what kind of environmental impact it would have, to let them not only develop their reserves, but to see what type of environmental impacts that has with the grassland areas and the falcon. Thank you very much.

THE HEARING OFFICER: Thank you.

You got your hand up?

HS 15 MR. YATES: My name is Steve Yates, vice president of Harvey E. Yates Company, [redacted]

We're the outfit that drilled the well, the discovery gas well, near Alamo Mountain, that's led to this whole process. I want to comment on the adequacy of the resource management plan as an oil and gas exploration and production expert.

I've thoroughly read the plan and all the alternatives, including no-action. Because as Tom stated up here, that no-action is essentially Alternative A, with the exception they don't have to examine it on a case-by-case basis.

HS 15-A These are all the alternatives which contemplate a great deal of no surface occupancy, a great deal of acreage that has controlled surface and timing limitations and, as Gordon pointed out, perhaps in violation of other existing law.

HS 15 – Steve Yates

HS 15-A See response HS 1-D.

The bottom-line result is that this company cannot, and will not, explore for oil and gas in your county if this plan is adopted, particularly if Alternative A or B is adopted.

I encourage you to -- encourage each of you to talk to your elected officials and have them talk to their counterparts in Eddy and Lea County to gauge and assess the social, economic, and environmental impacts of oil and gas and what benefits it might bring to your community. Thank you.

THE HEARING OFFICER: Thank you.

Is there anyone else in the audience that would like to be recognized? Is there anyone in the audience that would like to be recognized?

(No audible response.)

THE HEARING OFFICER: Seeing no hands, I guess I'd like to adjourn this meeting. And some of the folks from BLM will be around, if you wish to speak with them, following the meeting. Thank you very much.

(The proceedings concluded at 7:45 p.m.)

4 At this point, I would like to bring this public
5 hearing to order.
6 Those of you that are going to be giving
7 prepared statements, oral statements, would you
8 please begin your statement by stating your name,
9 your address, and your affiliation, if any.
10 The first registered speaker that I have here is
11 Mr. Steve Yates.
12 (No audible response.)
13 THE HEARING OFFICER: Is he in the
14 hallway, outside the door, by any chance?
15 MR. YATES: I'm out of the room, I'm
16 sorry. I would ask to be placed at the end of the
17 list.
18 THE HEARING OFFICER: Well, it's not
19 a very long list.
20 (Laughter.)
21 THE HEARING OFFICER: The next person
22 on my list is Mr. Harvey Chatfield.
23 If you can --
24 MR. CHATFIELD: I don't have anything
25 written down to hand you.

8

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HS 16

THE HEARING OFFICER: It doesn't matter if you don't have anything.

MR. CHATFIELD: Okay. Well, I'm Harvey Chatfield and, well, I'm living in Caballo, New Mexico. My mailing address is [redacted] I'm a rancher and a retired highway employee.

HS 16-A

The main thing I would -- I was kind of concerned about -- and I think I brought this up at the first meeting and I really -- what happens when the BLM has the mineral rights and we have the surface rights? Can you lease those without letting us know anything about it or do we have an input on it -- or can you just all of a sudden say "It's leased"?

And I know they have to pay damages and all that kind of stuff, but do we have any decision or any recourse when the government owns the mineral rights and we have the surface rights?

And then another question -- which doesn't really relate to this is -- I just wondered if anyone here with the BLM could tell me if the government ever decided is a gravel pit surface right or is a gravel pit mineral rights? Does anyone know that answer?

HS 16 – Harvey Chatfield

HS 16-A

The speaker is referring to "split estate," which is land where the mineral rights and the surface rights are owned by different parties. The BLM is responsible for leasing Federal fluid minerals and for approving Applications for Permit to Drill. BLM requires reclamation and bonding for all operations no matter who owns the surface and requires notice to surface owner prior to accepting an APD.

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MR. PHILLIPS: We're going to answer those questions after the hearing?

THE HEARING OFFICER: Yes. And you can discuss those questions with the BLM staff that's here.

MR. CHATFIELD: Okay. That's fine.

THE HEARING OFFICER: But right now we're just taking statements.

MR. CHATFIELD: But that's mostly my -- as I say, there are more questions than there are statements, but -- and I would want to more transcend mines. And I know they pretty much have got a pretty tough row to hoe, and they've got to pretty much kind of put things back kind of like they were.

And I hear that the engineering department was doing that, so they have a lot of criteria that you guys are making them do, and so I'm pretty pleased with that. And I think that most of the time that there's minimal disturbance, you know, on the -- on the mineral lands. Because usually that's kind of mandated whenever you give the permit -- whatever. That's all I have to say.

THE HEARING OFFICER: Thank you, Mr. Chatfield.

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HS 17 Mr. Steve Yates is next on my list.

MR. YATES: My name is Steve Yates, vice president of Harvey E. Yates Company. That address is P.O. Box 1933, Roswell, New Mexico, 88202.

We're the company that drilled the oil and gas well for the gas discovery in the county that leads to this Resource Management Plan for Fluid Mineral Development in Sierra and Otero Counties.

Tonight I'd like to comment on the adequacy of this plan and the viability of oil and gas exploration/production under this plan.

First, I want to read from the plan, on page 3-6, "The primary objective of the Sierra County Council of Governments' overall economic development program is to promote sufficient economic opportunity within the County for residents to find suitable and adequately compensated employment."

HS 17-A As the oil and gas expert, and having read this plan, it is my assessment that each of the alternatives presented, but particularly either alternative -- Alternative A or Alternative B -- and the additional constraints over and above standard lease terms and conditions in the no-action alternative or at least contemplated in the -- under the no-action alternative, severely restricts oil and

HS 17 – Steve Yates

HS 17-A See response HS 1-D.

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HS 17-A (cont.)

1 gas exploration in either county, so much so, that
2 this company that has the discovery cannot -- is not
3 going to provide any economic diversity for the
4 citizens of Sierra County. Thank you.
5 THE HEARING OFFICER: Thank you, Mr.
6 Yates.
7 That concludes the list of people that were
8 signed up to give oral statements.
9 I would like to now recognize anyone else in the
10 audience that would like to give a statement.
11 You are recognized.

HS 18

12 MR. KEITH: Gerald Keith, [redacted]
13 [redacted]

HS 18-A

14 After glancing the RMPA -- you know, you guys
15 come down to the situation that you look at maybe
16 6,000 acres of all this land here. So, first, let me
17 just say I think that whatever you are doing is
18 adequate, and that neither of these -- no action or
19 Alternative A or B -- is necessary.
20 You say it's moderate to low productivity
21 possible, and that shows that basically you probably
22 could handle it on a case-by-case basis. But my
23 concern is that your Alternative A, what it seems to
24 introduce is restrictions that sort of helps the
25 other agencies, like your Fish and Wildlife, and all

HS 18 – Gerald Keith

HS 18-A

For its time, the 1986 RMP adequately addressed environmental protection given the minimal level of oil and gas development. However, as stated in Chapter 1, Section 1.1, for current decisions, the 1986 RMP was found to lack enough information to make leasing decisions commensurate with the increased leasing nominations and potential subsequent exploration and development. BLM is conducting this RMPA/EIS to be consistent with current laws, regulations, and supplemental guidance for fluid minerals leasing.

that, because it's wanting to do something about the bighorn sheep on the Caballos, and such.

So it looks to me like -- you know, again, I might be wrong, but because of the water issue in New Mexico, and the water around this dam, and the -- who owned it as far as New Mexico goes compared to other states and water rights, this fluid -- geothermal fluid minerals, as you call it -- seems like a term of art. As a lawyer, it seems like a way to, basically, trying to get an end run to the water rights in New Mexico.

And, again, since it's moderate to low possible usage, I was told that it couldn't be used for like making power plants or anything like that; it would just be for ambient temperature, for like heating something.

This looks like a scheme, in a sense, of trying to use other regulatory methods to achieve what they haven't been able to do heretofore, and because of putting the provision in Alternative A, you're going to have no disturbances of surface land or surface occupancy of certain lands than what's open right now under standard regulatory procedures; and is -- because you introduced something for the bighorn sheep, even though the New Mexico Fish and Wildlife

said they -- for the last ten years, they haven't considered bringing them to the Caballos. Looks like your conspiracy won't make it. You're working together to be a united force, where if one thing doesn't work, this one will.

So I'm not -- again, I think what you have is adequate. I think what you have done in the past is more than adequate. Because when BLM was first made, it was to distribute land in this country when this continent became occupied. The whole purpose of the land office was to disperse the land that Congress had leased or actually given by the 13 original states. And then as they basically bought territories from France and other things (sic), it was to basically make states for representation and allow people with the birthright to property. And it's so regulated now that you've lost your mission. Your mission is something you're devising, not the legislative intent that Congress had.

So probably your '86 intent is probably needed to -- I mean, it's beyond what you should be doing as a mission. So I'm getting all three of these, and I found out that -- you know, like one, you're using definitions and terms and you're going to comingle them. And through your discretion, you can basically

say, you know, this is something that is this today, and this is something else tomorrow.

Off-road vehicles is one example, you know. There's a definition in your Code of Federal Regulations; but then you say, well, you know, the term could mean any vehicle now. And you're going to want to promote that to any vehicle; not just a vehicle that's specifically a four-wheel drive or specifically used for off road, but any vehicle may be an off-road vehicle. So that's ambiguous. And that should make it failed on that, too.

So it's inadequate, it's ambiguous. You don't have enough product here. If they would have -- and I really agree with this gentleman. It is just not -- you shouldn't just basically put some more blocks in front of them to trip them up. We're very economically depressed here. Our country is in an energy crisis, because of the Green agenda, for the last 25 years.

And, you know, anybody that can produce something -- you have specialists that have an interest. Has anybody ever brought anything to market to kind of help our society? No. Put some clothes on somebody's back, or put some gas in their tank, though, with those things.

That's my biggest thing, is you've already got an adequate way to do it on a case-by-case basis, and don't do something where you now introduce provisions; as of now, the bighorn sheep are going to be coming down the Caballos.

I thank you for your time.

THE HEARING OFFICER: Thank you, sir.

Is there anybody else in the audience that would like to make a public statement?

(No audible response.)

THE HEARING OFFICER: If not, the hearing is adjourned. Thank you all for coming tonight.

(The proceedings concluded at 7:30 p.m.)

7 THE HEARING OFFICER: Okay. Then at
8 this point, I'd like to bring this public hearing to
9 order. Please begin your oral statement by stating
10 your name, address, and the organization you
11 represent, if any.
12 And our first speaker will be Mr. Bob Gallagher.
13 Mr. Gallagher.
HS 19 14 MR. GALLAGHER: Thank you. I'm not
15 sure we need that, but...
16 Thank you, Mr. Chairman. I appreciate the
17 opportunity to be here this evening.
18 My name is Bob Gallagher, I'm the president of
19 New Mexico Oil and Gas Association. The address is
20 [redacted]
21 Mr. Chairman and members of the Board, the New
22 Mexico Oil and Gas Association is the oldest oil and
23 gas trade association in the United States. It has
24 250 individual companies and over a thousand
25 individual members.

1 Our trade association represents in excess of 98
2 percent of all oil and gas that's produced in the
3 state of New Mexico.
4 The top issue for oil and gas producers in the
5 state of New Mexico is access to public lands;
6 specifically, access to federally-owned public lands.
7 That issue is so big to us that next week, for
8 the first time in history of our association, we will
9 have an industry-only meeting in Albuquerque with one
10 subject matter; and that is access, or lack of
11 access, to public lands in New Mexico, with over 55
12 individual companies already RSVP'ing to attend and
13 to speak at that meeting.
14 Why is this issue so important? It's so
15 important because in New Mexico 60 percent of all
16 minerals produced are on federal land. Now 60
17 percent may not sound like a lot to a lot of people,
18 but if you look at our neighbor to the east, Texas,
19 they're in single digits on minerals produced on
20 federal land.
21 60 percent of New Mexico, keeping in mind that
22 New Mexico is the third-largest producer of natural
23 gas in the contiguous 48 states. And the
24 sixth-largest producer of crude oil in the contiguous
25 states. And maybe more importantly, New Mexico is

the second known reserves, largest known reserves of natural gas in the contiguous 48 states.

So as we read, day in and day out, the importance of meeting the growing demand of natural gas, New Mexico is not right in the middle of the pack. New Mexico is not 48th or 49th, like every other list that New Mexico seems to be on. New Mexico is right at the top of the list for importance to the United States.

Why is it important? $1 billion in revenue to the State of New Mexico last year was produced by oil and gas. $450 million in capital outlay school construction money, this year, will be from oil and gas. And in the next ten years, they've allocated $1 billion to build schools to educate our children and our grandchildren.

Why is that important when we talk about access? Each new well drilled in New Mexico will produce a new revenue stream of $1,075,000.

Now to deny access to a lease property that potentially could have ten wells on it in the first year, you need to understand that that is $10 million of new revenue stream to the counties, to the cities, to the state, and to the federal government. That's why it's so important.

Simply put, access to public lands is essential for the environmental safe and sound exploration and production of oil and gas. If we do not have access in our country, we cannot meet the growing demand for natural gas, from 22 TCF market to a 29 TCF market in the next 10 years.

That's going to require our industry to spend in excess of $400 billion in the next 15 years, to build and use 2,000 new rigs, and to double -- next year -- to double the amount of wells drilled for natural gas in this country, and continue that number for the next 15 years.

There's no one in this room, Mr. Chairman, members of the hearing committee, that truly believe that we can get access to capital investment, that we can have the infrastructure, that we can have the proper planning time, and we can have the access to the lands to meet that growing demand.

What does that mean? That means we'll increase from 56 percent, using foreign oil from unstable countries of the world.

What's unstable? One day we bomb Iraq, the next day we buy 800,000 barrels of oil from them. Every day we buy 800,000 barrels of oil from Iraq. Every week we bomb them. I think our government is

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1 confused. I think our government is confused in New
2 Mexico.
3 Simply put, the law requires the BLM to manage
4 land for multiuse purpose. Multiuse purpose.
5 And in today's newspaper in Roswell, the local
6 BLM director said, "If the BLM's mission is to
7 sustain the health and diversity and productivity of
8 public lands."
9 Well, let's look at that. Are these three
10 alternatives managing multiuse? We don't think so.
11 Are these three alternatives sustaining the diversity
12 and productivity of public lands? We don't think so.
13 Three items are essential; sound science, common
14 sense, and environmental sensitivity.
15 All those plans score 33 percent. They're all
16 environmentally sensitive. None of them, we don't
HS 19-A 17 believe, contain common sense. None of them, we
18 don't believe, contain sound science.
19 Simply put, we believe the alternatives fail the
20 industry, fail the taxpayers of Sierra and Otero
21 county, fail the taxpayers of the state of New
22 Mexico.
23 We would encourage this Board to revisit the
24 plan, and to rewrite it to allow for environmentally
25 sound and safe exploration and production of oil and

HS 19 – Bob Gallagher

HS 19-A See response HS 1-D.

HS 19-A (cont.)

gas to coexist with environmentally sensitive areas.

We've proved we can do that all over the country. The law requires you to do that. Your mission statement requires you to do that.

And I would ask the Board, on behalf of the New Mexico Oil and Gas Association, to revisit those plans. And at the end of the day, to consider three things, sound science, common sense, and environmental sensitivities. And I think when you do, we can increase that score from 33 1/3 percent to 100 percent.

Mr. Chairman, I appreciate the opportunity, on behalf of our association, to make this presentation to you tonight.

I'd be happy to answer any questions that you may have.

THE HEARING OFFICER: Thank you, Mr. Gallagher. We appreciate it.

MR. GALLAGHER: Thank you.

THE HEARING OFFICER: The next speaker is Mr. Vernon Dyer. Mr. Vernon Dyer.

HS 20

MR. DYER: Well, my name is Vernon Dyer. I'm a land manager with Harvey Yates Company -- or at least I was when I started this talk.

I have just a few things to say; because I spoke at the last one, so I won't reiterate some of the stuff I spoke there.

The news now is the economy is in a slump, it's a slowdown, the president's going to give us a tax break, you know, to get everything going.

The rolling blackouts in California is causing companies to be in a real problem out there, the gas -- the electric companies have to buy gas to produce the electricity. The price of gas has gone up. They are dictated to by the California's legislature, that they can only charge so much for it, the finished product. Now they're all in bankruptcies.

Another government agency, the City of Los Angeles, the County of Los Angeles, believes now it's a conspiracy; so they're suing the electric companies and they're suing the El Paso Pipeline Company for this, and they're saying it's all a conspiracy.

Now what this has to do with what we're doing tonight, is here we are again, with another government agency trying to figure a resource management plan, for the possibility of producing natural gas and oil in Southern New Mexico.

Now our economy is based on the false

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1 implications that energy is cheap. It is no longer
2 cheap. It has to be paid for, it has to be -- it's
3 expensive to use.
4 Now in southeast -- in South New Mexico, what
5 we're looking at is a place where natural gas has
6 been found, it can be produced, and if this well was
7 in any county, like Eddy, Chaves or Lea, it would
8 already have been produced. But now, we're sitting
9 here now trying to figure out whether this can happen
10 or not.
11 And what the real question, I feel here, is as
12 Bob said, is the BLM going to make this a
13 multipurpose use office resource, or are they going
14 to continue to hold out for the possibility of some
15 bird -- the falcon -- that may or may not show up,
16 and keep a well shut in, a produceable well shut in;
17 or are they going to go ahead and because of acts of
HS 20-A 18 God -- which is the weather, the storms, the cattle
19 eating the grass, keep the punished -- the producers
20 from going onto the land for something they had
21 nothing to do and --
22 So it has become, my opinion, that everything
23 that you all do -- unless you all choose any
24 alternative to -- but alternative A, is just going to
25 add more cost to it.

HS 20 – Vernon Dyer

HS 20-A See response HS 1-D.

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And believe me, the exploration companies are in it to make a profit. And we will not go out there and do anything without the cost of doing this passed on to the consumer, which is -- again is going to raise more prices, and just make it that much oil -- that much higher.

I will close by saying that the exploration companies are in it -- and we believe that we can do it. And if you all choose any alternative besides A or besides -- the first alternative, that it's not -- it's not going to benefit the BLM, it's not going to benefit the state, the nation or anybody else. It's just going to create more problems, and be another government agency looking for somebody to point a finger at, and trying to get it done where the people cannot do it. Thank you.

MR. DYER: Thank you, Mr. Dyer.

Next speaker is Steven Yates.

Mr. Yates.

HS 21 MR. YATES: Good evening. I'm Steve Yates, vice president of Harvey Yates Company. We drilled the well that led to all this.

HS 21-A As I read the Resource Management Plan, the main environmental sensitivity is potential habitat for aplomado falcon.

HS 21 – Steve Yates

HS 21-A See response to Comment A, Letter 12.

As we've gone through this process, and for those in the room, each and every action that our company has taken out there has required a Section VII consultation with U.S. Fish and Wildlife by the Las Cruces BLM.

And the basis of that, again, is if they're present, if stated -- if listed species are present, the federal agency must determine if the action may affect them. And if the federal agency determines the action is likely to adversely affect listed species, they must request initiation of formal consultation followed by mitigation, et cetera. And that species is the aplomado falcon.

Cited in the Resource Management Plan is a study by Montoya and Swang, submitted to the U.S. Fish and Wildlife, in March of 1995, and submitted by New Mexico Cooperative Fish and Wildlife Research Unit, National Biological Survey -- and a whole bunch of other people, entitled Habitat Characteristics, Prey Selection and Home Ranges of the Aplomado Falcon in Chihuahua, Mexico.

That's where we're studying this falcon, to see what kind of habitat it has, the U.S. Government -- you all are a part of this process -- to determine whether Otero Mesa is a potential habitat.

I'm going to read one little paragraph. Right, we'll say that it's out of context, but -- this is the discussion after a presentation of how they studied, and then the results that they achieved. They have a discussion of these results. This is on page 38.

"Although we do not actually document the use of yuccas as roost sites, we suspect that both yucca species were used as roost sites. Hector suggested that although yuccas may provide adequate perch sites, they may not provide sufficiently sheltered sites where aplomado falcons can feed and roost. Having observed aplomados regularly using yuccas to pluck and feed on prey items, we suggest these plants do provide adequate perch, feeding and roost sites. The low fledgling success, however, may suggest that yuccas do not provide secure nesting sites."

She loves me, she loves me not, she loves me, she loves me not. I think not.

I mean, the science is inconclusive, at best, that those yucca forests out on Otero Mesa are even plucking and roosting or even feeding sites. It's obvious that they're not nesting sites, and that's what the study says.

Why in the devil are we preventing oil and gas

exploration adjacent to a known discovery on this basis?

THE HEARING OFFICER: Thank you, Mr. Yates.

Our final listed speaker is Phelps Anderson. Mr. Anderson.

HS 22 MR. ANDERSON: Thank you, Mr. Spencer.

I'm president of Sun Valley Energy Company, which is an oil and gas exploration company, here in Roswell.

We currently have an exploration play under way in the Crow Flats area, in the Upper Del Valley of Southern Otero County.

We hope that perhaps later this year or next year, we might make the second commercial discovery in this important new frontier region.

Our company, last year, shot a 55-square-mile seismic -- 3-D seismic shoe, and we look forward to having our interpretation of that data done in a way that would allow us to move forward later this year.

That investment was a million dollars in terms of risk capital, trying to secure new oil and gas reserves for the United States.

As has been previously mentioned, we have a critical energy crisis in this country. And my

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1 review of the document leads me to believe that,
2 relative to the economic impact, and if I understood
3 the concept correctly, environmental, social and
4 economic is a considered impact in this study.
5 I just want to comment that I think the economic
HS 22-A 6 impact is very deficient, if it exists. And perhaps
7 this is not the document where that occurs in.
8 But, nonetheless, I want to encourage you to
9 call the governor of California, Gray Davis is his
10 name, he lives in Sacramento, and ask him if he would
11 care to comment on the withdrawal, the planned
12 withdrawal of a large number of federal acres in New
13 Mexico that could provide natural gas to California
14 and other domestic markets in the future.
15 I also urge you to review the fact that the
16 federal government used Southern Otero County for
17 many, many years as a bombing range, and would
18 suggest that relative to the aplomado falcon, that we
19 also look at whether or not they indeed seek out
20 habitat and nesting areas in and around federal
21 bombing ranges, and particularly low-flying military
22 zones for jet aircraft.
23 I think that's an issue that ought to be
24 addressed, because I'm simply suggesting that federal
25 actions, important federal actions, to ensure that

HS 22 – Phelps Anderson

HS 22-A The sections relating to Social and Economic Conditions in Chapters 3 and 4 in the Draft RMPA/EIS adequately address the issues for this programmatic document. Also, see response to Comment B, Letter 14 and response HS 1-D.

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the United States has a military that's ready and able to defend our country, nonetheless, could also be a contributing factor to some of the wildlife habits and preferences relative to this particular falcon, which I understand is a rare sighting, at best, in this particular area. And that could be an overstatement.

I guess I'm really here to suggest simply that it looks to me as though the document says "Well, we can keep things as the way they are, or we can do this, or we can do this," and we never seem to look back over on this side (indicating), we never seem to be able to see that the current action plan could be a midpoint and not a beginning point from which we go only in one direction.

HS 22-B So I encourage you to -- as was previously suggested -- to look at and consider, perhaps, a fourth alternative, no action being 1-A and -B being another; but, in fact, another alternative which would perhaps increase the amount of lands available for oil and gas exploration, grazing, and other public lands activities that create jobs and employment, not only for Otero County but New Mexico, and, of course, the added wealth that comes through the taxes that are generated from those activities.

HS 22-B See response HS 1-D.

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Thank you.

THE HEARING OFFICER: Thank you, Mr. Anderson.

I have one additional speaker that signed up, Clare Moseley.

Ms. Moseley.

HS 23 MS. MOSELEY: Hi there. My name is Clare Moseley, I'm with Public Lands Advocacy. And I'm here representing Burlington Resources, who couldn't make it tonight, due to a scheduling conflict.

I'm not going to reiterate what everybody else has talked about; I think that they've spoken very eloquently and made their points very well. I would like to talk about the EIS, specifically, some of the concerns that I have in reviewing this. I also want to say that I support what Bob Gallagher and the rest of the folks said. I think that they've put the concerns of industry in a nutshell, and it's something that BLM needs to consider and needs to listen to in making decisions.

I've reviewed forest plans and BLM plans for quite a while now, almost over 20 years. And the problem I see with this one is that it seems awfully biased against oil and gas. It's not that I've never

HS 23 – Clare Moseley

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1 seen biased plans before, but I feel that this one is
2 particularly biased.
3 It seems as if the whole intent is to prohibit
4 development, as opposed to trying to find a way to
5 make the development compatible with other resource
HS 23-A 6 values. The excessive use of no-surface occupancy
7 and controlled-surface use stipulations has been
8 justified, as far as my review of the EIS. I don't
9 think BLM has done a very good job of that.
10 Some of the things that I would like to address
11 has to do with indicating that Alternative A,
12 relative to the no-action alternative, might provide
13 for a more efficient leasing process. And I don't
HS 23-B 14 see any evidence of anything in here making things
15 more efficient. The only thing it does is it makes
16 things more restrictive. And if you want to call
17 that efficient, I guess, you know, that you can do
18 that; but that's not -- there's no evidence in here
19 that anything would be more efficient.
20 The other problem I have is when you talk about
21 reasonably foreseeable development, you mention that
22 this is a programmatic document. Well, yes, we
23 understand that it's a programmatic document, but the
24 statement that the nature -- the programmatic in
25 nature, and it's too broad a scope to define two

HS 23-A See response to HS 1-D.

HS 23-B As stated in Chapter 1, Section 1.1, "BLM is required to determine (1) which lands overlying Federal fluid minerals are suitable and available for leasing and subsequent development and (2) how those leased lands will be managed." The RMPA accomplishes those requirements. Also, see response to HS 1-D.

1 relationships between potential fluid mineral
2 activities and other past, present and reasonably
3 foreseeable actions is unknown, and that you will
4 consider future actions on a case-by-case basis.
5 I think I understand what you're trying to say,
6 but what you've said is that you're not going to make
7 any decisions in this plan. And that's not
8 appropriate.

HS 23-C

9 The whole purpose of doing this document is to
10 give the operators a complete understanding of
11 exactly what you intend to do. And by saying that
12 you're going to deal with things on a case-by-case
13 basis, it sets aside the decisions that you need to
14 make in this document for future consideration, and
15 that leaves the industry up in the area as far as
16 what they can expect.
17 Most companies like to be able to use these
18 plans to figure out where they want to go next, what
19 kinds of restrictions they're going to have, and what
20 they can anticipate in terms of development of public
21 lands. And if you're not going to be able to give
22 them those specifics, then you need to go back to the
23 drawing board, and get this thing revised to where it
24 accomplishes the goals of the planning process.

HS 23-D

25 Other issues have to do with where it says that

HS 23-C See response HS 23-C.

HS 23-D See response HS 23-C.

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1 re- -- you know, adverse impacts associated with
2 stress on communities due to rapid growth is also not
3 anticipated as a long-term significant impact.
4 What I recommend is that BLM do a better job of
5 the socioeconomic analysis: Do any negative impacts
6 outweigh the positive economic effects that would be
7 resulting from the oil and gas development?
8 There is some questions in some of the numbers;
9 you have summaries in here, especially in the summary
10 section. You talk about open to stipulations.
11 Under the no-action alternative, you have open
12 with stips, 243,000 acres; and under Alternative A
13 you say "Open with stips, 1.2 million acres."
14 Now what kinds of stips are we talking about?
15 It doesn't talk about how much of that is NSO. NSO
16 might as well be no-lease, if it's included in huge
17 blocks. You don't get access to lands when you've
18 got millions of acres or hundreds of thousands of
19 acres tied up in NSO without any opportunity for
20 access. So you need to be very specific in there.
21 And it's my understanding, too, that BLM has
22 been concerned about industry -- wanting more
23 information from industry, and yet my members tell me
24 that they came forward with information, and lo and
25 behold, which areas are subject to no-surface

HS 23-E The sections relating to Social and Economic Conditions in Chapters 3 and 4 in the Draft RMPA/EIS adequately address the issues for this programmatic document. Also, see response to Comment B, Letter 14 and response HS 1-D.

HS 23-F Each of the alternative maps in the Draft RMPA/EIS (Maps 2-1, 2-2, and 2-3) reflects the land that is closed to leasing and lands within BLM's Decision Area that are open for leasing and how those lands would be managed through stipulations or standard lease terms and conditions. Acres of NSO are provided in Chapters 2 and 4 of the Draft RMPA/EIS. Also, see response to HS 1-D.

HS 23-G Industry data were not used in the analysis because the data were considered by industry to be proprietary and were not made available. BLM was invited to meetings of industry representatives (i.e., a southeastern New Mexico subgroup of the New Mexico Oil and Gas Association) on a number of occasions to present data and information, receive feedback, and discuss the status of the planning effort. Based on a discussion by the group on September 28, 1999, BLM reviewed and increased the RFD scenario.

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HS 23-G (cont.)

1 occupancy. That's a little suspect in my eyes.
2 And if I were them, I would not be willing to
3 give any more information to BLM. Maybe they should
4 just take their chances and not take -- you know, not
5 take the risk, that other areas of interest would be
6 satisfied under no-surface occupancy.

HS 23-H

7 And people have spoken already about the
8 aplomado falcon. I don't need to reiterate that,
9 other than the fact that you've got a known oil and
10 gas -- known gas opportunities out here, and there is
11 nothing known about the falcon, other than the fact
12 that it ain't here. So I think that we need to take
13 another look at that and rethink how BLM is intending
14 to manage those areas.
15 I'm just trying to go through my notes. Sorry.

HS 23-I

16 There's also concern with the increased use of
17 controlled-surface use. One of the -- one of the
18 problems is -- is that, it's stated in here, that it
19 could be closed to leasing as a result of
20 controlled-surface use. And, typically, CSU is to
21 give the operator an opportunity to realize that
22 there is an issue out there, that there is a resource
23 out there; it's not to close them out of an area, it
24 is to tell them that there is something that they
25 need to consider when they go out to try to develop a

HS 23-H See response to Comment A, Letter 12.

HS 23-I It is not clear to what use of controlled surface use the speaker is referring. Generally defined, controlled surface use is a leasing constraint under which use and occupancy is allowed (unless restricted by another stipulation), but identified resource values require special operational limitations that may modify lease rights. Controlled surface use stipulations are described specific to resource concern in Appendix A-VI in the Draft RMPA/EIS and in Appendix D in this PRMPA/FEIS.

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HS 23-I (cont.)

lease, that they will have to do something. But no-access isn't -- should not be an option. If you're going to use CSU as NSO, then let's just call it NSO, and we'll take our chances with that.

Finally, I think that BLM needs to consider what industry needs in this area. They have proven that they can operate in an environmentally sound manner. I think it's important for BLM to recognize that industry -- the industry is typically willing to work with BLM to address those concerns. And I think they should be given that opportunity to do that.

HS 23-J

And this is quite a controversial plan here. And obviously you know that, because we have a hearing now -- how many months later than when it came out? And it isn't going to go away. And I think the best way to do it is to sit down with the industry, try to work with them on the issues that are of concern to them, the issues that are of concern to you, and try to work out some reasonable agreement, working together.

New Mexico has so many working groups, you've got a working group on this area. Let's take advantage of that and try to come up with something that is mutually agreeable to everybody.

And thanks very much.

HS 23-J See response HS 1-D. Also, refer to Chapter 5 regarding consultation and coordination during the planning process.

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THE HEARING OFFICER: Thank you, Ms. Moseley.

At this point, I'll recognize anybody in the audience that didn't sign up to speak for the same ten minutes. Is there anybody else that would wish to speak?

Yes, sir.

And when you come to the mike, would you please give your name and address and association, if any.

HS 24 MR. BOLING: Okay. My name is Mike Boling. I'm an independent geologist here in Roswell. My address is [redacted]

THE HEARING OFFICER: Could you spell your last name?

MR. BOLING: B-O-L-I-N-G.

THE HEARING OFFICER: Thank you.

MR. BOLING: And I want to talk to you about the science here. When we had the first meeting, we talked about -- I was lucky enough to speak and talked about the resource basin, everybody's talking about the resource basin. That may or may not mean anything to you.

Now I'm not a biologist, but listen to what Steve said. I've worked, personally, in some of the

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most, quote, pristine places in the world. I worked in the Amazon Jungle in Peru, I worked in the Arctic; and one of the warm ironies of my career is that 75 years ago, I worked in an area in Peru that -- we drilled holes in the ground in the jungle, blew up seismic -- it's now the most pristine national park in Peru. People from all over the world come there to look at the environment. Same thing in the Arctic.

Nature is not benign. It's very adaptable. In fact, it'll get you if you're not careful in extreme places like that.

So, again, I can't speak to the biology, but I

HS 24-A [can speak to geology. And geological evaluation out here is terrible. It's not just wrong, it's terrible. I remember Mr. Phillips telling us that there was no potential for oil and gas there.]

I don't know who did the evaluation of this area, but if they had taken the time to -- (indicating) ignore the discovery, go look at the scout tickets in New Mexico and Texas, and Hudspeth County, because any good geologist is going to look at the basin as a -- as a basin, not at something this big, and try to make an evaluation. Go over to the Bureau of Mines. Every ten years they've been

HS 24 – Mike Boling

HS 24-A [See response HS 4-C.

evaluating the potential of that bombing area. They have core information, they have tons of information over there that's public now.

Anybody could have looked at that stuff and -- looked -- do a research. Excuse me. A literature search. Guys have written Ph.D. theses over there, walked the ground, looked at it, go in -- been to the Sacramentos, looked at the outcrops, done the geology.

That information alone, to an -- to an unbiased observer, would have led you to the conclusion that there's potential there; and the discovery puts the nail in the coffin of whether or not there's any potential there.

So to me, it's not a question of which option is available, it's -- in my mind, it's a question of how can you use this lack of real science to make a decision?

Thank you.

THE HEARING OFFICER: Thank you, sir. Are there any other speakers?

(No audible response.)

THE HEARING OFFICER: If not, this hearing is adjourned. I would encourage you that if you have any written comments to make, to submit them

to BLM by April 23rd by midnight.

And we thank you for coming, very much.

UNIDENTIFIED SPEAKER: Thank you for having this meeting in Roswell, it's very convenient for us.

(The proceedings concluded at 7:40 p.m.)

23 THE HEARING OFFICER: Okay. At this
24 point, I would like to bring this public hearing to
25 order. When you come to the podium to address the

panel, please begin your statement by stating your name, address, and the organization you represent, if any.

I'm going to turn the podium around here, and go back and sit here.

(Adjustment made to microphone.)

THE HEARING OFFICER: Generally, it's my policy that I call on any elected officials that are requesting to make a statement first. And I believe I have two elected officials here; Don Cooper with the city commission, and Michael Nivison, Otero County commissioner.

So I'd like to request Don Cooper to present his statement, if you will.

MR. COOPER: I have no statement at this time.

THE HEARING OFFICER: Okay. He passes.

Mr. Nivison, you're up.

HS 25 MR. NIVISON: My name is Michael Nivison, I'm a commissioner in Otero County.

We have visited before at the last hearing, and I'd like to make a couple notes; one is that I had told you we would probably be asking for cooperating agency status, and we would like to formally ask for

HS 25-A

HS 25 – Michael Nivison

HS 25-A Early in the RMPA/EIS process (Fall of 1998), BLM conducted scoping meetings on November 2, 4, and 5 in Roswell, Alamogordo, and Truth or Consequences, respectively, to solicit input and identify issues before beginning the studies and analyses. Prior to the evening meeting on November 4, 1998, BLM met with Otero County representatives to discuss county issues. In reviewing the records, BLM does not find a request from Otero County for status as a cooperating agency at that early stage. In a letter dated May 4, 2001, BLM indicated that the benefit of granting cooperating agency status would be found primarily in the early stages of the process rather than at this late stage; however, BLM committed to continue to meet with county elected officials as well as Otero County residents as the EIS proceeds.

8

HS 25-A (cont.)

that now.

I think I have not seen it yet, but my -- the attorney for the county tells me that about 1992 we have a Memorandum of Understanding that states that we will assume that role when necessary.

HS 25-B

I'm going to reiterate some of the things that I talked about last time, which are the lack of coordination and cooperation with the county, notification of plans.

I believe I stated that we have two doctorates on contract that can analyze social and economic

HS 25-C

issues for the county. In your EIS, I believe that your social and economic statements are grossly inadequate, to say the least. They look like they were written by somebody who's never been to Otero County.

I think that if you don't put social and economic equations in, and if, in fact, what you are doing is finding that there is no significant impact to the social, economic, then you haven't done a cumulative-effect study; which is not only past, present, but in the reasonable future.

And I think if you go over some of the other counties and find out what those impacts are, then you might have a good comparison.

HS 25-B See response HS 10-A.

HS 25-C See response to HS 10-B.

9

HS 25-D

I believe it to be true, by looking at the three maps here, that the BLM has decided to go in the zoning business. And that means that you selectively pick out pieces of land and set them aside for certain uses. And I would suggest that you read the Multiuse Sustainable Yield Act, to find out that that isn't really what your job is about.

You're also, I think, picking out 747,000 acres of the resource area of 6,800,000, and it becomes an

HS 25-E

issue of are you micromanaging? Did you even need to do this EIS to begin with?

HS 25-F

There are several things in the EIS; I think you incorporated oil, gas and geothermal all in one EIS, and I think they're very specifically different issues, and have different effects, and can't be combined as such in the form that you did it.

The other thing; I don't think anything has been said or directed to the public problem we have right now in America, on these resources, oil, gas and geothermal. I think there is a social and economic impact there when gas goes up to 2.50 a gallon, and when people are paying 76 percent more than they did last year for fuel.

HS 25-G

I would also suggest that we do have state law in New Mexico for these uses. And nowhere in the

HS 25-D

As described in Chapter 1, Section 1.3, the study team is employing a systematic process for developing the RMPA in accordance with the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA and its implementing regulations define principles for management of public lands and their resources. BLM has the responsibility to develop, maintain, and when appropriate, revise land use plans that provide for the management of public land based on the principles of multiple use and sustained yield unless otherwise specified by law. Refer the to Draft RMPA/EIS Appendix A-I, page A-I-4, under Mandates and Guidance for Planning and Environmental Resources Management.

HS 25-E

As stated in Chapter 1, Section 1.1, "In 1998, a gas find in Otero Mesa resulted in increased interest on the part of the oil and gas industry. Large increases in the number of lease nominations on public land prompted the BLM to review the 1986 RMP with regard to guidelines for fluid minerals leasing and development. Given the lack of direction in the existing 1986 RMP and the increasing level of interest in exploration, it was determined that an amendment to the 1986 RMP is required to guide leasing decisions on public land in order to comply with the 1992 supplemental guidelines described above (BLM Handbook H1624-1)."

HS 25-F

While oil and gas and geothermal resources are physically different from one another, planning for, developing, and managing Federal oil and gas and geothermal resources (or fluid minerals) are similar. Oil and gas and geothermal are addressed in this programmatic document as part of the BLM's Federal fluid minerals program; however, oil and gas are discussed separately from geothermal resources in the document (e.g., oil and gas has its own RFD as does geothermal; potential impacts are discussed separately).

HS 25-G

Refer to Chapter 2, Section 2.2 Continuing Management Guidance, for a discussion of the applicable Federal, state, and local laws and BLM management direction.

10

HS 25-G (cont.)

1 document did I see a consistency report which takes
2 federal, state, county law and does a cross section,
3 a side by side, to see what the impacts of those laws
4 and which precedes which. It's found under Statute
5 71 of New Mexico law.
6 I also would like to let you know I'm going to
7 be taking a trip to Washington rather soon, and I
8 hope that things have changed a little bit back
9 there. We are a natural resource country, it is our
10 primary existing business; and when it's taken down,
11 things like our warmth for the town close.

HS 25-H

12 I see this not only restricting to oil, but any
13 surface use on the ground, and I don't think that has
14 been addressed adequately in the document.

HS 25-I

15 I'd also, at this time, like to request an
16 additional extension of 90 days, based upon the fact
17 that I don't think your publications have been
18 adequate, and based upon how many people we have here
19 tonight as opposed to what we had here last time. I
20 think the word is just getting out. We have not been
21 engaged.

HS 25-J

22 I have some problems with the alternatives that
23 I'll address in writing. I notice you addressed the
24 aplomado falcon. And the aplomado falcon -- I think
25 court cases that have been coming out of late do

HS 25-H Surface use has been sufficiently addressed in the RMPA/EIS.

HS 25-I Based on Mr. Nivison's request, an extension of 45 days was granted.

HS 25-J See response to Comment A, Letter 12.

HS 25-J (cont.)

1 not -- the judges are saying that we cannot declare
2 probable or critical habitat to a species unless it
3 is found in the area. And I would suggest that what
4 documentation I've heard about, about the aplomado
5 falcon, is very vague and subject to some closer
6 look.

HS 25-K

7 I'd also like to point out that you have -- you
8 have things in this such as visual resource. And
9 I've had to read about 20-some of these documents,
10 and analyze them, and every time a new term show up,
11 and any -- this is your BLM/NEPA document, and it
12 says "The analysis should be based on the vast
13 available information, it should be objective, should
14 not reflect subjective value judgments, and if
15 possible should be quantified." And I would suggest
16 how do you do that on a visual resource?
17 The second thing is, we do realize that law
18 regulation, prior commitments, professional
19 expertise, and a manager's best judgment is used in
20 the EIS. And along with that extension, and the
21 other things that I've been pointing out, public
22 opinion can affect the setting of a significant
23 threshold.
24 And I would suggest you're just starting to see
25 that in Otero County, and I would also suggest that's

HS 25-K

Numerous Federal laws require all Federal land-management agencies to consider scenery and aesthetic resources in land-management planning, resource planning, and project design, implementation, and monitoring. Among these laws are NEPA, Environmental Quality Act of 1970, and Public Rangelands Improvement Act of 1978. In response, each land-management agency developed a systematic approach for determining the relative value and importance of scenery. BLM established the Visual Resource Management (VRM) program. Visual analysis is conducted in the context of ecosystem management to inventory and analyze scenery on and adjacent to public lands, to assist in establishing resource goals and objectives, to monitor the scenic resource, and to ensure high-quality scenery for future generations. Guidance for the VRM program is found in BLM Handbook H-8410-1.

1 because of the lack of notification -- just putting
2 something in the paper and not notifying people like
3 the Chamber, Alamogordo County [sic], Village of
4 Cloudcroft, Tularosa -- that you have not met your
5 commitment on that level.
6 And I would also refer to a section of NEPA,
7 that talks about what guidelines you will use in
8 doing that; which is 1056.6, public involvement. I
9 would also like to point out in NEPA, that when the
10 environmental impact statement is prepared and
11 economic or social and natural, physical
12 environmental effects are interrelated, then the
13 environmental rural impact statement will discuss all
14 the effects on the human environment.
15 And, again, this document, of all the documents
16 I've read, is the most lacking in that department.
17 And I'm sure, as you well know, 15011(B),
18 "Emphasize Cooperative Consultation in all agencies
19 before the environmental impact statement is
20 prepared, rather than submission to adversary
21 comments on the completion of the document."
22 THE HEARING OFFICER: (Indicating.)
23 MR. NIVISON: I think the agency --
24 and I would note that we've had a couple of personnel
25 changes over there; and since that time, we've had a

HS 25-L The RMPA/EIS sufficiently addresses potential effects on the human environment.

HS 25-M Refer to Chapter 5, Consultation and Coordination for a description of the public involvement associated with this process.

1 major breakdown in discussions between this county
2 and the management office that sits in Dona Ana
3 County. I brought that up before. I would like to
4 emphasize that.
5 And I think my last statement will go a little
6 further with the 15011, which says that -- that you
7 will consult early as to not cause a conflict later;
HS 25-N 8 and this is about what we're about to have. So it is
9 the agency's duty to come forward to the agencies and
10 send them a letter notifying at what level of
11 participation they would like to have.
12 Thank you.
13 THE HEARING OFFICER: Thank you, Your
14 Honor.
15 I understand that Mr. Don Carroll, the mayor of
16 Alamogordo, would like to make a statement next.
HS 26 17 MR. CARROLL: Thank you. Good
18 evening. My name is Don Carroll, I'm the mayor of
19 the City of Alamogordo; and on behalf of the
20 community, I would like to welcome you to Alamogordo,
21 and thank you for holding this hearing here this
22 evening giving the citizens of Alamogordo and Otero
23 County the opportunity to comment on this draft EIS.
24 I think a lot of what you will hear tonight will
25 be echoing many of the concerns that Commissioner

HS 25-N At the beginning of the RMPA/NEPA process in October 1998, a scoping notice was sent to all entities on the BLM mailing list (similar to Table 5-2 in the RMPA/EIS). The purpose of the scoping notice was to provide an early opportunity for the recipients to participate in the development of the RMPA/EIS. Following the distribution of the scoping notice, BLM conducted public scoping meetings in three locations, including Roswell, Alamogordo, and Truth or Consequences on November 2, 4, and 5, respectively. These meetings were announced in the scoping notice, local newspapers, and the *Federal Register*. No responses were received nor requests made for cooperating-agency status by either county.

1 Nivison expressed.

HS 26-A

2 One of the things that we here in Alamogordo are
3 trying to do is to diversify our economy. We're
4 largely dependent on the military. We see the
5 potential for oil and gas exploration in the southern
6 part of our county as the potential to do just that.
7 And we also see -- at least I see -- the document
8 that you're proposing to adopt as a detriment to
9 allowing that to happen.
10 My understanding of the mission of BLM is
11 multiple use of federal lands. It seems to me that
12 the Las Cruces office has tilted, more and more, in
13 the direction of putting as much land off limits and
14 out of use as possible, rather than striving to, in
15 fact, do the best multiple use that's possible.
16 There's a perception in our community that the
17 Las Cruces office has little or no concern about the
18 economic welfare of Otero County and Alamogordo
19 and -- over some of the recent things that -- where
20 we have been opposed by the BLM, and not working with
21 in a cooperative way with -- be -- withdrawing of the
22 McGregor Range, providing oil pits for road projects.
23 And so I would hope that this time would be an
24 opportunity for the BLM to truly work with our
25 community, to allow the maximum exploration of gas

HS 26 – Don Carroll

HS 26-A

BLM must balance management for protection and enhancement of the resources along with management for multiple use, sustained yield, and development of resources in accordance with the FLPMA. Also, see response HS 1-D.

1 and oil.

HS 26-B

2 In your -- in the draft EIS, it seems to
3 indicate that you come to the conclusion that there
4 is very little or minimal potential there. You may
5 be right. But people that make their living in the
6 oil and gas industry think differently, and with the
7 current energy problem that this country has and the
8 current administration's desire to make our country
9 energy -- more energy independent, and to fully
10 explore our own natural resources, I would hope that
11 the draft EIS that comes out of this would be one
12 that would facilitate the exploration for oil and
13 gas.
14 And the information that I have is that the best
15 way to do that is to allow for the exploration of oil
16 and gas under standard leasing conditions, and
17 without the throwing in more reason and more
18 obstacles to allow exploration to happen.
19 If, in fact, there are mineral resources there
20 that could go not only to help make our country more
21 energy independent, but also help the economy of the
22 state of New Mexico, Otero County and Alamogordo; I
23 think it behooves the BLM to work with everyone and
24 work with this community to facilitate the
25 exploration and, if it's there, the development of

HS 26-B See response to HS 1-D.

those resources.

Thank you.

(Applause.)

THE HEARING OFFICER: Thank you, Your Honor. We appreciate being here tonight.

The next person on my list is Mr. Stanley Latta. Pardon me if I've mispronounced your name; L-A-T-T-A.

HS 27 MR. LATTA: That's right. I just want to say that I agree --

THE HEARING OFFICER: Could you come up to the microphone, please, so we can all hear? The ceiling fans are making quite a bit of noise.

MR. LATTA: I agree and echo Mr. Carroll's comments that this -- the country is in a shortage of gas and possibly oil. And BLM, a federal agency, should take this into consideration and consider the whole country, not just for the benefit of New Mexico and Alamogordo.

Thank you.

THE HEARING OFFICER: Thank you, sir.

Next on my list is Mr. John Lattauzio. I understand he left, has he returned yet?

UNIDENTIFIED SPEAKER: No, sir. He has not.

THE HEARING OFFICER: Okay. We'll

pass him up then.

Next on the list is Mr. Gordon Yahney.

MR. YAHNEY: I'll wait until later.

THE HEARING OFFICER: Okay. He passes.

Mr. Lewis Reeves.

HS 28 MR. REEVES: My name is Lewis Reeves, I work for HMR Corporation, [redacted]

My comments are mostly for the ranchers. I spent 15 to 18 years ranching in Eddy and Chaves County in the oil field. When the oil companies come in to start exploration, if you'll communicate with these oil companies up front, you usually have very few if any problems. In those 15 to 18 years that I spent in the oil field on those ranches, I never lost one cow because of the oil field.

Thank you, sir.

THE HEARING OFFICER: Thank you.

Mr. Sam Dainwood.

HS 29 MR. DAINWOOD: My name is Samuel Dainwood; I reside at [redacted] and I'm representing no one but myself.

I listened to Mr. Nivison and Mayor Carroll, and they had very good points to bring out concerning the way that BLM appears to do business. In the

1 documents that I've read concerning this matter, the
2 human element is left way out, it's not taken into
3 consideration. And the elements for everything else
4 appear to be emphasized greatly.
5 It's been my experience that BLM has been very
6 responsive to interest outside of Otero County, in
7 many cases at the expense of Otero County. People
8 over in Las Cruces and up in Albuquerque seem to have
9 a louder voice than we do when we're trying to get
10 things done down here; and our economic interests do
11 not match theirs, in some cases they are at cross
12 purpose to theirs.
13 But in Otero County, we have to look out for
14 Otero County, and we need to have the best possible
15 statement, taking into account all these human
16 factors; they need to be made by people who have been
17 on the scene, people who have been here in the
18 county, and know what the conditions here are, human
19 and natural, and can take that into account.
20 And too many times I've seen people who have
21 never set foot in the county, much as Mr. Nivison
22 said, having very much influence on these statements;
23 and it seems not to be in our best interest when that
24 happens.
25 Government is about humans. There are people

1 living in Otero County who have interests here, and
2 not interest in Las Cruces. And there are a few
3 people in Las Cruces that have interests here that
4 aren't going to be represented here tonight; and when
5 their commentary comes in on this environmental
6 business, I think it needs to be discounted for what
7 it is, an outside comment. And we need to look at
8 the environment here, and the interest of the people
9 here.
10 We have a nationwide energy crisis right now, we
11 have an opportunity to drill for some very clean
12 fuel, we might even find some oil in the process, and
13 I'm all for it. I grew up in the middle of oil
14 fields and gas fields and had a gas field in my
15 backyard, and I never had a bit of a problem with it,
16 and it never caused any annoyance to me. Pipeline
17 doesn't do anything, it's just there.
18 So I wish for you to consider the opinions of
19 the people here in Otero County, above those of the
20 other people who do not have a vested interest in our
21 future, in our economy.
22 Thank you.
23 (Applause.)
24 THE HEARING OFFICER: Thank you, Mr.
25 Dainwood.

The next speaker is Michael Murphy.

HS 30 MR. MURPHY: Hi, my name is Michael Murphy. I'm at [redacted] And I just found out about this, oh, a few days ago, so I haven't had a chance to read that big thick book that you all put out there, but -- excuse me.

(Brief pause while microphone is adjusted to control feedback.)

MR. MURPHY: Okay. So I just want to say that, like Mr. Reeves, and like the last gentleman who spoke, I also lived for a number of years around developed areas, where BLM, as well as private property, has been used to get out gas and oil, and we had no problems whatsoever. I hunted, fished. Farmers -- now, this is in Kansas -- farmers had wheat fields growing around the logger routes and the pipelines.

It's not anything that damages the environment to the extent that causes a problem, and I just wanted to say that I'm in support of the full development rather than linear. I echo Mayor Carroll's statements.

Thank you.

(Applause.)

THE HEARING OFFICER: Thank you, Mr.

Murphy.

The next speaker is Marlene Clarke.

HS 31 MS. CLARKE: Thank you for the opportunity. My name is Marlene Clarke, and I live at [redacted] And I gave my P.O. box when I signed in.

I've been a resident of Otero County for six years now, and the property that I own is surrounded by BLM land, and that's really what brought me here.

I'm originally from Louisiana, so I know a little bit about the oil and gas industry, what the impact on the economy can be, the pluses and the minuses.

My only concern is if we can do this in a safe, ecological way, then fine; I think, you know, there are benefits but -- but my worst fear is that Alamogordo and the Otero County will wind up smelling like Hobbs. I didn't move here for that. So my concerns are of an ecological nature, and I'd like to know more information about that.

Thank you.

THE HEARING OFFICER: Thank you, Ms. Clarke.

Mr. Steve Yates.

HS 32 MR. YATES: Good evening. My name is

1 Steve Yates, vice president of Harvey Yates Company,
2 P.O. Box 1933, Roswell, New Mexico.
3 Again, I want to state for the record, as you,
4 Mr. Spencer, asked us to comment on the adequacy of
5 this plan. It's a poor mineral development plan for
6 Sierra and Otero Counties. As an oil and gas
7 exploration and production company, the plan, as
8 written, in any of the alternatives, including no
9 action, will prevent our company or will cause our
10 company to abandon our exploration efforts in Otero
HS 32-A 11 County. I won't say never -- never say never -- but
12 the restrictions, the constraints, over and above
13 standard lease terms and conditions, which were
14 prepared to comply with all the federal laws, the
15 addition of those constraints, so hamstrings us,
16 causes the economic development of oil and gas in
17 Otero and Sierra Counties, to be so high that we'll
18 go somewhere else.
19 Thank you.
20 (Applause.)
21 THE HEARING OFFICER: Thank you, Mr.
22 Yates.
23 Mr. Ed Carr.
HS 33 24 MR. CARR: Good even, Mr. Spencer. My
25 name is Ed Carr, I'm executive director at the

HS 32 – Steve Yates

HS 32-A See response to HS 1-D.

23

1 Alamogordo Chamber of Commerce and the Otero County
2 Economic Development Council, [redacted]
3 [redacted]
4 Our concerns that are expressed by the Board of
5 the Otero County Economic Development Council and the
6 chamber center around socioeconomic concerns. Right
7 now we're at 6.4 percent unemployment as of January;
8 that's one of the highest figures of the state. We
9 certainly are above the state average of
10 unemployment.
11 Speaking for the existing businesses here in
12 Alamogordo, we need the shot in the arm that this
13 industry would bring to Otero County and Alamogordo.
14 Speaking for the future businesses that Otero
15 County Economic Development Council would like to
16 bring to Otero County, this document as it stands
17 right now would seriously inhibit that.
18 So from the standpoint of the existing
HS 33-A 19 businesses who could benefit from the side business,
20 if you will, of increased economic benefit to
21 Alamogordo and Otero County, and from the potential
22 for bringing new businesses here, we feel the
23 document does not adequately address the
24 socioeconomic impact to Otero County and Alamogordo.
25 Thank you very much.

HS 33 – Ed Carr

HS 33-A The sections relating to Social and Economic Conditions in Chapters 3 and 4 in the Draft RMPA/EIS adequately address the issues for this programmatic document. Also, see response HS 1-D.

THE HEARING OFFICER: Thank you, Mr. Carr.

Maryanne Schweers.

HS 34 MS. SCHWEERS: My name is Maryanne Schweers, 7288 Highway 54-70, Alamogordo.

My husband and I farm Eagle Ranch Pistachios here in the county. We have been farmers here for 28 years. We care deeply about the land, as well as our community in which we live.

This opportunity doesn't come very often, to be able to impact positively, both social and economic values for this area.

I think we have to really consider that human and socioeconomic impact. Because for our county -- we're a poor county, we are surrounded with a fence. We can't do a lot with the land that we have, because of all the federal lands that are in our county. So I would join my voice, my husband's voice, along with Bill Carroll, with our county commissioners, in supporting this exploration of this opportunity that we have before us.

Thank you.

(Applause.)

THE HEARING OFFICER: Thank you.

Next on the list, Mr. Ed Bradson.

25

HS 35

MR. BRADSON: Good evening. My name is Ed Bradson, [redacted] I don't really have a statement, but I do have a couple questions.

HS 35-A

One, is it the mission of the Las Cruces division of BLM to form energy policy for the United States?

HS 35-B

And the second question is, after reading the draft document, I wonder why you gave the right to drill, but now you want to create a document that prevents exploration of it. Looks to me like you're changing the rules in the middle of the game.

Thank you.

(Applause.)

THE HEARING OFFICER: Thank you.

Kim Carr.

HS 36

MS. CARR: Hi, my name is Kim Carr, 15 [redacted] I don't represent any organization except for Otero County citizens and perhaps some taxpayers. For a very small footprint on your precious BLM land, it can be a major footprint on Otero County.

We don't -- we have one full-service public library to service this entire area, we have one part-time library in Cloudcroft; we need the money.

HS 35 – Ed Bradson

HS 35-A

No, it is not the mission of the BLM to form energy policy for the United States. The Minerals Leasing Act of 1920, as amended, provides the Secretary of the Interior with authority to issue leases on lands where the mineral rights are held by the Federal government. This authority has been delegated to the BLM State Directors. For this RMPA/EIS, BLM is required to determine (1) which lands overlying Federal fluid minerals are suitable and available for leasing and subsequent development and (2) how those leased lands will be managed. The RMPA accomplishes those requirements.

HS 35-B

See response to HS 1-D.

That's it. It basically boils down to that, we need the money. Less -- a little more than ten percent of our land in Otero County is private, so we need you guys, who we pay, to pay attention to us first.

Thank you.

(Applause.)

THE HEARING OFFICER: Thank you.

The next speaker is Frances Goss.

HS 37 MS. GOSS: Hi, my name is Frances Goss, and I'm here tonight to tell you just a few of my concerns with the BLM and the drilling and not going ahead and letting the people do with what they found there.

But what I want to say is that I was born in this county, and I've been here all my life, and I for one am tired of being held hostage by government agencies and environmental agendas that have tried to make us feel guilty for wanting to make a living.

And I want you to know that there is nothing wrong with advancing our finances through the resources. They're there for our use, and we would like to use them. We've seen our timber industry go because of environmental agendas combined with federal agencies that use intimidation and ideas that have no basis, in any kind of foundation of science,

to protect species that they're nothing more than a reason to stop us from using our natural resources.

And as Americans, it's happening all over America, but it's definitely happening in Otero County; and we, as citizens, want to see our county financially able to take care of itself. And this is an opportunity for us.

And as the one man said, a lot of times people come in our county, and they address their concerns, they're not out there on the land knowing what's going on. We are.

And true, we're concerned about the environment, but in their agenda, they have made us feel -- tried to make us feel -- I don't believe they made us feel that way, but they've tried to make us feel that it's really a bad thing to want to do anything with the resources. They scream "environment, environment, endangered species, endangered species," and those are only two.

And I'm tired. I want to see economic development for the human dimension, and that is certainly one of the things that has been left out of most federal agencies' agendas, along with the environmentalists.

Thank you.

(Applause.)

THE HEARING OFFICER: Thank you. Our next speaker is "ME-lann" Pattillo. Do I have that right?

MS. PATTILLO: No.

THE HEARING OFFICER: No?

HS 38 MS. PATTILLO: That's okay. I'm up to correct you.

My name is Melan Pattillo, I'm at [redacted] right here in Alamogordo. My husband Bob and I came here about a dozen years ago to start a physical therapy clinic; they were inadequately served here in Otero County.

We have brought jobs and industry to Otero County. It has been a hardship, it's been a difficult -- because there is not an infrastructure here to support professionals. It's been a hard recruiting effort for us to bring any type of professionals here, because we don't have an economic infrastructure.

It's been difficult for us to pursue our business. We do have clinics over in Artesia and Carlsbad. We know what an economic impact the oil and gas has in Artesia and Carlsbad.

We know that living here has been a choice for

us. Being in the physical therapy industry, we could go anywhere else, but we've decided to make Alamogordo and Otero County our home. It doesn't come without cost. Our school systems suffer because of the poor economic base that we have here.

I think that we need to consider everything, we need to be good stewards of the land, we also need to address the social and economic concerns in the reporting and in the way that we go about handling whether we allow HEYCO to go ahead with their drilling.

And I think that by addressing those concerns, I think you can find an economic way for HEYCO to forge ahead with their endeavor and for the citizens of Otero County to prosper as a result.

Thank you.

(Applause.)

THE HEARING OFFICER: Thank you, and I apologize for the mispronunciation.

Has Mr. Lattauzio returned? He's next if he's back.

UNIDENTIFIED SPEAKER: No, sir.

THE HEARING OFFICER: Okay. Then we will go to Gordon Yahney again.

HS 39 MR. YAHNEY: Thank you for the

30

1 opportunity in allowing me to speak. My name is
2 Gordon Yahney, I'm a geologist with Harvey Yates
3 Company in Roswell, New Mexico. Address is [redacted]
4 [redacted]
5 I'd like to open up -- in my opinion, based on
6 what the criteria were for this again tonight, none
7 of the alternatives presented in the Draft Resource
8 Management Plan and the Environmental Impact
9 Statement document, this big thick book (indicating)
HS 39-A 10 that has been prepared, is best suited to address the
11 fluid mineral leasing in the area, and all of the
12 alternatives should be thrown out.
13 A new BLM policy should be prepared, and this
14 particular document (indicating), all about 600 pages
15 of it, is basically a land withdrawal document.
16 The oil and gas industry went through a land
17 withdrawal legislative act, it's called a "Wilderness
18 Protection Act." In fact, I think that was the new
19 way, it just happened in the early '80s. I was
20 involved in some of that. At that point, various
21 lands were set out for complete withdrawal. The
22 lands that were not part of the "Wilderness
23 Protection Act" determinations, were to be set out as
24 non -- were to be set out as multiple-use lands.
25 And that's what everything in Otero Mesa

HS 39 – Gordon Yaney

HS 39-A See response HS 1-D.

interested in oil and gas activity should be considered as, multiple-use lands; and oil and gas activity should be allowed there.

I think that's all I have for comments tonight.

Thank you.

(Applause.)

THE HEARING OFFICER: Thank you, Mr. Yahney.

Has Mr. Lattauzio returned?

UNIDENTIFIED SPEAKER: No.

THE HEARING OFFICER: Okay. At this point, that's all the people that I've had signed up to speak.

Is there anybody else that would wish to make a public statement here tonight?

MR. ANDERSON: I would.

THE HEARING OFFICER: All right. The gentleman over here.

Come up to the microphone and state your name for the record, and your address, and anybody that you represent.

HS 40 MR. ANDERSON: My name is Donald F. Anderson, [redacted] Alamogordo. I represent myself, and hopefully a bunch of other taxpayers.

I just received this tonight (indicating), there

1 wasn't one on hand at the library when I went down
2 today.
3 I have a real question for you. You have a
4 table here on page 458, "Oil and gas exploration and
5 production impact analysis." Exploration is on its
6 own page.
7 You have a list of agriculture, mining,
8 construction. And down over here it says "Impact in
9 millions." Millions of year 2000 dollars.
HS 40-A 10 Construction, you show, is 23, comma, 864, comma,
11 096, now that's millions. You state up above here,
12 "millions for the year 2000."
13 I want to know how to make this clear; maybe you
14 got an accountant in the audience who can.
15 In other words, impact of oil and gas
16 exploration, involving trillions, would be
17 23,864,096, followed by six more zeros.
18 I think I've lost you, but if you ever looked at
19 a company annual report, up there it says "in
20 thousands" or even "millions." Now granted this
21 should be 23, period, 864, 096 dollars.
22 Have I lost you?
23 (No audible response.)
24 MR. ANDERSON: And like I say, I just
25 thought -- I got this tonight, I really haven't had a

HS 40 – Donald Anderson

HS 40-A The figures to which the speaker is referring are in Table 4-6 (now Table 4-7 in the PRMPA/FEIS) in the Draft RMPA/EIS. The table has been changed to reflect the speaker's comment.

chance to analyze it.

Thank you.

THE HEARING OFFICER: You might want to catch one of the BLM folks after the meeting, and we'll try to clear that up for you.

Is there anybody else that would like to speak?

MR. JOHNSON: (Indicating.)

THE HEARING OFFICER: This gentleman over here.

MR. JOHNSON: Thank you very much. My

HS 41 name is Jerry Johnson, [redacted] Alamogordo. And I'm representing myself.

And I would like to say that I've been to several hearings since I've lived in Otero County, and you have a rare happening tonight; where you have the business community, and the ranching community, and the farming community, all join hands together to ask you to do the right thing, and that is to allow this development of this gas field to go forward.

And I have to defer to the experts who've read this thing -- because I haven't read the document, I haven't even seen it. But it -- if it does not allow economic -- economically feasible development of this oil field, then we need to go back to square one and start over, and develop a plan in cooperation with

the people who will do the development to allow this to go forward.

Thank you very much.

(Applause.)

THE HEARING OFFICER: (Indicating.)

HS 42 MR. COOPER: Thank you for allowing me to get my thoughts together. My name is Don Cooper, and I live at [redacted] here in Alamogordo.

(Adjustment made to microphone.)

MR. COOPER: You know, I never thought that I'd ever see the day when the human element would become the low end of the food chain.

This area was developed and founded on natural resources. At one time, this area had three sawmills, we had dairy herds, cattle ranches, and that's what made this area. Not the spotted owl. Not the Mexican gray wolf. Not some butterfly. Not some owl. But the people that developed this country and developed Otero County and Alamogordo.

We rely on natural resources. Ranchers have been accused of encroaching out on the forest. Not so. It's the forest that's encroaching on the ranchers.

We need to develop all the resources that we

have at our command. If we have natural gas and oil resources in Otero County, they should be, they must be, and they will be developed, because we need them.

This economy is shrinking, and we have almost seven percent unemployment in this area. We have our young people moving out because there's no jobs. It's not right. It's not right.

Great people built this great city of Alamogordo, and the Tularosa Basin, and Otero County, but we're losing everybody because, right now, the future is very dim and very bleak.

And I feel that by utilizing what God put here for us to use, that it's a crime against the people of Otero County and the City of Alamogordo when the BLM and the policy makers in Las Cruces tell us that we can't.

That's about all I have to say, sir, and I appreciate the time that you have spent to come here.

Thank you.

(Applause.)

THE HEARING OFFICER: Thank you, sir.

Are there any other members of the audience that wish to speak?

MS. CALL: (Indicating.)

THE HEARING OFFICER: Yes. In the

back row. Yes, ma'am?

HS 43 MR. LATTA: (Approaches.)

THE HEARING OFFICER: Well -- I'll get to you in just a second.

MR. LATTA: Well, I'd like to make a clarification. I was the first speaker, and I forgot to state my name. It's Stanley Latta. And I have lived in Alamogordo since June 12th, 1949, and grew up here, so this economic development is good for the whole county, for the whole state, for the whole country, and I strongly urge you to approve it.

Thank you.

(Sympathetic Applause.)

HS 44 MS. CALL: My name is Ronnie Call. I live at [redacted] in Tularosa. And I didn't know I was coming, because I was in yoga class; but I heard about it, so I'm here.

This is the first hearing I've ever come to, so I don't know the procedure. But there are some things I'd like to say.

First of all, I want to thank the BLM for being good stewards and good guardians of the land.

Secondly, I think that we can't solve the United States' problem all by ourselves in terms of energy. The third thing I want to say is that I think the gas

1 for Otero County is going to be a very good thing;
2 however, my concern is that it's not El Paso that
3 benefits from it, since they're closer and bigger,
4 and have more (indiscernible) perhaps. So I'd like
5 to see some safeguards built in so that it benefits
6 Otero and the jobs from here.
7 The other thing that I was thinking about is
8 that there's only a finite amount of oil and gas in
9 the United States; and that, at some point in the
10 future, it's going to be gone. So would it be
HS 44-A 11 possible to do something here, in terms of new
12 applications for gas? Or new ways of developing?
13 Like I know they use propane sometimes to run
14 vehicles, you know; has anything been done along that
15 line with natural gas? And is that an industry that
16 could be developed here?
17 Thank you.
18 THE HEARING OFFICER: Thank you. Are
19 there any other speakers in the audience?
20 MS. JETER: (Indicating.)
21 THE HEARING OFFICER: Yes, ma'am. In
22 the back row, or next to the back row.
HS 45 23 MS. JETER: Thank you very much. I'm
24 Jan Jeter, and I reside at [redacted] I'm
25 chamber president here in Alamogordo, and I also have

HS 44 – Ronnie Call

HS 44-A [Such applications for gas are beyond the scope of this RMPA/EIS.

a business, The Inkwell.

I would like to thank you very much for holding this hearing this evening. I would like you to take into consideration, again, echoing other opinions here, the social economic impact that your statements are making.

We need all the exploration we can get, all the economic development we can get in this area, and I think it's about time that the group gets together. I was glad to hear some voices saying that three groups that may not necessarily get together in one building agree, all asking you to please reconsider all of the issues that you brought to the table and in your books so far.

Thank you for hearing my comments.

THE HEARING OFFICER: Thank you.

(Applause.)

THE HEARING OFFICER: Are there any other speakers?

(No audible response.)

THE HEARING OFFICER: Besides the microphone?

Has Mr. Lattauzio returned?

UNIDENTIFIED SPEAKER: No. He's not here.

THE HEARING OFFICER: Okay. If there are no more speakers, then I'll adjourn this hearing at this point.

Thank you very much for coming tonight, we appreciate it.

(Applause.)

(The proceedings concluded at 8:00 p.m.)

21 THE HEARING OFFICER: Okay. At this
22 point, I would like to bring the public hearing to
23 order. Please begin your oral statement by stating
24 your name, address, and the organization that you
25 represent, if any.

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Our first speaker will be representing the Sierra County Commission, and that will be Adam Polley.

HS 46 MR. POLLEY: Mr. Spencer, my name is Adam Polley, [redacted] T or C, New Mexico. I am here representing the County Commission of Sierra County.

We have the following statements that are brief; it will be followed up by written statements handed in before the deadline of April 23rd.

One of the items that we disagree -- well, let me make my first statement, is that the county -- County Commission does not support this action. We will support the no-action alternative. We feel that these actions by the BLM are arbitrary and capricious.

HS 46-A That was reason by the inability of the BLM to address, No. 1, cumulative impacts; and that has been replaced by a term that's called "reasonable foreseeable future." We object to that process. This should be done under the auspices of NEPA, and not be dodged by the requirements of review of cumulative impacts.

HS 46-B No. 2, there was no review, especially under the ability for the BLM to review both state law and

HS 46 – Adam Polley

HS 46-A Discussion of cumulative effects is not replaced by the term "reasonable foreseeable future." Cumulative effects are addressed in Chapter 4, Section 4.4. In that section, BLM addresses past actions, present actions, and those actions that are foreseen (of which BLM has knowledge) in the reasonably foreseeable future.

HS 46-B Refer to Chapter 2, Section 2.2 Continuing Management Guidance, for a discussion of applicable Federal, state, and local laws and BLM management direction.

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HS 46-B (cont.)

1 local ordinances. I believe that there is a section
2 on geothermal statutes under state law, and that was
3 not included within the analysis.

HS 46-C

4 The third is the amount of area that is under
5 scrutiny in this proposal. We do object to singling
6 out Sierra and Otero Counties. We find that also is
7 an arbitrary and capricious act and that the area
8 that is actually reduced to is very small in nature.
9 And the Commission feels that it has not been
10 properly analyzed, as for the sufficiency, to find
11 these minerals underneath the ground.
12 And as a personal note, I'd like to know who the
13 guru was that established these areas that perhaps do
14 have these minerals underneath them.
15 In this light, I've been asked by the Commission
16 to convey to the BLM and the Department of Interior,
17 that if this action proceeds, we will file a 60-day
18 notice of intent to sue.
19 That completes my comments.
20 THE HEARING OFFICER: Thank you, Mr.
21 Polley.
22 Our next speaker is Richard Hanson.
23 MR. HANSON: I pass.
24 THE HEARING OFFICER: Okay. I'll come
25 back to you at the end if you wish --

HS 46-C

Sierra and Otero Counties were covered in this RMPA/EIS because the existing land use planning for fluid minerals leasing for those two counties was completed in 1981 (Draft EA, Oil and Gas and Geothermal Leasing in the White Sands Resource Area) and now needs to be updated. The other four counties managed by the BLM Las Cruces Field Office are covered in the 1993 Mimbres RMP and updating of that plan is not necessary. The area covered in Sierra and Otero Counties (1.8 million surface acres and 5 million subsurface acres) is not considered small for BLM land use planning purposes.

Federal fluid minerals are addressed sufficiently using best available data for the purpose of this RMPA/EIS.

MR. HANSON: Good.
THE HEARING OFFICER: -- to change your mind.
But the final speaker we have on the list is -- if I can read his writing -- George Keith? Was I close?

HS 47 MR. KEITH: Gerald Keith.
THE HEARING OFFICER: Gerald Keith. I'm sorry. I apologize.
MR. KEITH: P.O. Box 892, Williamsburg.
When you gentlemen were here in January, I did make the comment that I believed everything was ambiguous in the document and, therefore, it's no good. But I can help you, maybe, fix it.
First of all, demand at that all words with more than one definition in the text, starting from the cover page to the last page, has more than one definition, basically be defined. We know that terms of art by lawyers and such are not -- even though they might use words in the vernacular, they don't necessarily mean so.
So, I have a dictionary here; a lot of people could look through a dictionary and find out that sometimes they give you five or six different

possibilities for a word.
So to make it less ambiguous, again, demand every word, with more than one definition, be defined.
Basically, an example I would give you why this is, is my understanding is, today in schools, they're -- they're throwing around a term called abstinence in sexual education. Apparently, abstinence now includes any -- only -- only means you don't get pregnant. You can have oral sex, anal sex, you can have all kinds of things, but as long as you don't get pregnant, a child can go home and say "Yes, Mom, we were taught abstinence in school."
So this is why you need to have these words defined, because we don't want to think that we really understand what they mean.
Basically, we want all terms and conditions to be fully disclosed, with complete text and citations for anything that you -- you -- of all the things that -- collateral things that could happen, have it all defined, all terms and conditions, so we know what the contract is for anybody that wants to apply for what you're doing here.
And also want published in the document all remedies, and procedures to those remedies, through

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the administrative process, and have them fully disclosed and published.

Also, we want an unseverabil -- severability, that if any -- any one of the parts of this document found to be unconstitutional, ambiguous, or any defect, that the whole project be extinguished; and would also like all the people who are doing this project to give a waiver to immunity, and have -- basically force that they don't have any immunity for all the government officials, and agents or agencies, or agents of those agencies, that they can be prosecuted to the fullest extent of the law as on an individual basis and capacity.

Thank you.

THE HEARING OFFICER: Thank you, Mr. Keith.

Mr. Hanson, I come around to you again.

HS 48 MR. HANSON: I am Richard Hanson of Caballo, New Mexico. I see a lot of fancy maps, and big volumes of words. Why didn't somebody contact the people that will be hurt? And when I say "hurt," I mean hurt, by all this nonsense of federal underground minerals, including thermal waters.

HS 48-A

Now right there on one of them fancy maps, you show part of my property included in federal-owned

HS 48 – Richard Hanson

HS 48-A Refer to Chapter 5, Section 5.4. At the beginning of the NEPA process in October 1998, a scoping notice was sent to all entities on the BLM mailing list. The purpose of the scoping notice was to provide an early opportunity for the recipients to participate in the development of the RMPA/EIS. Following the distribution of the scoping notice, BLM conducted public scoping meetings in three locations, including Roswell, Alamogordo, and Truth or Consequences on November 2, 4, and 5, respectively. These meetings were announced in the scoping notice, local newspapers, and the *Federal Register*.

minerals. That is a crock. Because I have a deed that says I have entire control of all the minerals on and below the surface of my property.

Now I will tell you -- or you, or anybody that's listening to me -- you come on my property, it going to hit the fan. And you might as well pass the word on up that I'm not the only one in that area; there's a bunch of us rednecks that don't think much of the BLM or the B- -- or the Interior Department, or any of the rest of them. So if you will convey my message, I will appreciate it.

Thank you.

THE HEARING OFFICER: Thank you, Mr. Hanson.

Is there anybody else in the audience that wishes to make a statement tonight?

And I see one more person signing in, so...

Mr. Yahney, do you wish to make a statement tonight, because --

MR. YAHNEY: Yes, I do.

THE HEARING OFFICER: -- we're about to adjourn.

MR. YAHNEY: Greetings. My name is

HS 49 Gordon Yahney. I reside in Roswell, New Mexico. I work for Harvey Yates Company, and my address is [redacted]

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[redacted] Roswell.

I'm here to make a statement in regards to the RMPA, the draft. In my opinion, none of the alternatives documented in the document is best suited to address fluid mineral leasing in the area, and that's Sierra and Otero Counties. And all of the alternatives should be thrown out. Leasing should be done by the standard lease terms, primarily. And the document that they -- the document, it's basically an effort in land withdrawal.

HS 49-A

And it's particularly onerous to HEYCO, which is a company I work for, because it creates many wilderness areas or roadless NSOs -- that's no-surface occupancy areas -- it creates those in a place called Otero Mesa, in Southern Otero County, New Mexico.

This creation, primarily, will stop all oil and gas activity, exploration activity in there, and it also happens to be the site of where my company, HEYCO, made a significant commercial gas discovery back in 1997. That discovery was made on a lease that was issued in about 1987 or -8, had no stips on it, and it was on multiple-use federal land.

Also, it -- you know, it was on land that, to my -- best as I can tell now, was being targeted by

HS 49 – Gordon Yaney

HS 49-A See response HS 1-D.

the BLM here, and the Fish and Wildlife Service, for their exclusive study and reintroduction of the aplomado falcon.

And it's clear from the extensive delays and the lack of effective communication and the proposed restrictions involving our oil and gas applications at that time, and the inquiries that we made that oil and gas activities were not a multiple use that was expected in this area; and it was not desired in this area by the BLM or Fish and Wildlife Service.

Furthermore, their design of the RMPA Plan, by that design, HEYCO has suffered economic harm; the loss of the opportunity to benefit from its discovery, and the loss of the use of its proprietary confidentiality -- proprietary information that's sort of protected by the confidentiality periods that are built into existing legislation.

I'd like to further comment and make some statements or reiterate some statements that are in the document that concern federal fluid mineral leasing.

I think federal fluid mineral Leasing is important in areas with oil and gas potential, like the Rio Grande Rift and the Orogrande Basin. And also in areas of geothermal resources, and we've got

those around here as well. And that the document, the big thick document, again, has underestimated the potential economic impact to the area that, you know, it serves, that's Sierra and Otero County.

Federal fluid mineral leasing should be a staged decision process, and that's stated in A-II-3 of the big book. I guess that's appendix II, section 3. It's designed to accommodate the tentative nature of fluid mineral activities; that's leasing, exploration, development, production, and eventually reclamation of the activities that go on.

Lease acquisition does not necessarily lead to exploration activities in the oil and gas world or the drilling of oil. Commitment of exploration technology and capital money, dollars (indicating), often depends on market conditions, timing deadlines, and regulatory conditions or overhead.

Leases are quite often bought, sold, bought again, without ever being drilled upon.

The BLM has a regulatory framework that it uses to respond to industry. It works. It's supposed to be a staged permitting process with public disclosure, confidentiality periods, and allows companies to make the discovery -- making discoveries, to have an intellectual and competitive

1 advantage in further exploration activities, and that
2 includes leasing. The RMPA Plan, as it was
3 implemented, pretty much wiped that out for HEYCO.
4 The regulatory framework as, you know, as
5 documented in the book, is a determination of lands
6 available for leasing; and that means which lands are
7 open. And that should be a pretty well stated as all
8 multiple-use lands that are designated federal
9 designated multiple-use lands.
10 Also, the BLM should keep a -- have a public
11 disclosure of lands that are not available for
12 leasing, and that should be publicly updated probably
13 at same time frame as their leasing, which is every
14 quarter. To my knowledge, that was not done in the
15 case of the time period (indiscernible) of the RMPA
16 Plan.
17 HEYCO asked for a specific lease to be -- we
18 nominated it or notice of it -- of interest;
19 nominated a number of times. We got no response from
20 the BLM that this lease had been withdrawn or taken
21 out of public availability, and led to a rather
22 uncomfortable decision.
23 Continuing with the regulatory framework, once
24 you have the determination of lands available for
25 leasing, you have the decision to lease specific

1 lands with terms, stips and deadlines. And also it
2 should be included in that incentives to accelerate
3 activity.
4 You know, the country may, at some point,
5 actually want somebody to come in and drill for oil
6 and gas, to explore, to drill for geothermal
7 resources.
8 Part 3 of that framework is the approval of all
9 permits to drill wells. According to federal regs,
10 that approval process is supposed to take 30 to --
11 and -- 30 days. In the time in front of the RMPA,
12 and during the time of the RMPA, we have APDs that
13 we've asked for, and the time frame was extended out
14 to almost a year in certain cases. That is not
15 acceptable.
16 And the fourth part of the regulatory framework
17 is analysis of the field development, and that
18 includes facilities designs, right-of-ways for
19 pipelines, stuff like that; a plan of developments
20 for units, commercial determination of successful
21 wells, and remediation of projects once they're
22 completed.
23 THE HEARING OFFICER: Time left: One
24 minute.
25 MR. YAHNEY: In my opinion, the plan

to amend the RMPA was flawed from the start. If done, the RMPA should have been -- should upholded (sic) all explorations on leased lands, and that includes the shooting of seismic information. A 3-D seismic shoot was shot on the -- over unleased, but lands that were not able to be leased, or suspended lands, when nothing of that nature should have been done.

And furthermore, all exploration activity should have been halted, and that includes that seismic, and other things should have been automatically extended of the deadlines, leasing deadlines, and the confidentiality periods that are there for the data that -- that needs to be held that way. None of that was done.

The suspension date that was -- that was used, should be based on the actual de facto halt of leasing, which is not 7-1-98, like we have issued; but my guess is it's about 1-1-96, and that's over five years ago. And we're on for another -- looks like another year until we can do something again, and I think that's just completely unexcusable.

Thank you.

THE HEARING OFFICER: Thank you, Mr. Yahney.

Are there any other speakers tonight?

MR. YATES: Yes, sir. Steve Yates.

My name is Steve Yates, vice president of Harvey Yates Company.

You know the address.

THE COURT REPORTER: Yes.

(Harvey Yates Company, P.O. Box 1933, Roswell.)

MR. YATES: My comment tonight is the adequacy of the plan. The plan, the Resource Management Plan Amendment, talks about federal lands. We do have state and fee lands intermixed with this federal, in both Sierra and Otero County.

The problem is, as an explorationist, if I were to allow -- be allowed access to a state lease, drill on it, and then discover that my geologist, Gordon Yahney, was just that far off (indicating), "It's just right over there, it's on the federal lease"; I've just spent a million dollars determining that it's over there on a federal lease, which has no-surface occupancy, and I can't get to it.

From an explorationist's standpoint, that's a waste of money. It's a risk that we cannot economically afford to take.

The BLM -- I've read, and it's all over the country, it may be even in this document, that

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1 they're touting 95 percent of federal lands are open
2 to leasing. The problem is, they may be open to
3 leasing, but they're not open to exploration, and
4 they're not open to drilling, and they're not open to
5 production, and they're not open to exploitation.
6 This plan, this Resource Management Plan for
7 Sierra and Otero County, not only takes out -- in our
8 opinion -- the federal lands from exploration and
9 production, but it takes out the state lands and the
10 fee lands.

HS 50-A

11 Thank you.
12 THE HEARING OFFICER: Thank you, Mr.
13 Yates.
14 Are there any other members of the audience that
15 wish to speak tonight?
16 (No audible response.)
17 THE HEARING OFFICER: If not, then I
18 will adjourn the hearing. We all appreciate your
19 coming tonight. Thank you.
20 (The proceedings concluded at 7:30 p.m.)
21
22
23
24
25

HS 50 – Steve Yates

HS 50-A See response HS 1-D.